FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

141–275

DRUGS AND DEVICES

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

WAYNE COY, *Acting Administrator, Federal Security Agency.*

Washington, D. C., February 24, 1941.

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141. Misbranding of Bromo-Citra. U. S. v. 74 Cartons and 22 Cartons of Bromo-Citra. Default decrees of condemnation and destruction. (F. D. C. Nos. 1656, 1831. Sample Nos. 55485–D, 72169–D.)

This product contained acetanilid, sodium bromide, caffeine, sodium chloride, sodium bicarbonate, and citric and tartaric acids. It would be dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling. Its labeling was further objectionable for the reasons indicated hereinafter.

On March 22 and April 29, 1940, the United States attorneys for the Eastern District of Michigan and the District of Nebraska filed libels against 74 cartons of Bromo-Citra at Detroit, Mich., and 22 cartons of the product at Kenesaw, Nebr., alleging that the article had been shipped in interstate commerce on or about January 15 and February 14, 1940, by the Drexel Co. from Elgin, Ill.; and charging that it was misbranded.

The product in both shipments was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling; and in that the labeling failed to reveal facts material with respect to consequences which might result from the use of the article under the conditions of use prescribed in the labeling. Misbranding was alleged with respect to both shipments for the reason that the name "Bromo-Citra" was false and misleading since it indicated that the article was derived from the ingredient sodium bromide; whereas the principal ingredient was acetanilid. Misbranding was alleged with respect to both shipments for the further reason that the representation in the labeling that the average net weight was 100 grams was false and misleading since the net weight of sample vials taken from the shipments showed an average of 6.73 grams and 7.12 grams, respectively.

The shipment of January 15, 1940, to Detroit, Mich., was alleged to be misbranded further in that the representation in the labeling that each ounce contained 16 grains of sodium bromide, was false and misleading since each ounce contained more than represented, namely, not less than 18.36 grains of sodium bromide.

The shipment of February 14, 1940, to Kenesaw, Nebr., was alleged to be misbranded further in that its labeling bore representations that it was to be used as a relief for the discomfort due to simple headache, neuralgia, overindulgence, i. e., too much food, drink, or smoking; that the dose consisted of the contents of the vial in ½ glass of water, that not more than 3 doses should be taken within a period of 24 hours, which were false and misleading since they created the impression that the article constituted an appropriate treatment in such conditions; whereas it was not a safe and appropriate remedy but was a dangerous drug.

On May 14 and June 28, 1940, no claimant having appeared, judgment of condemnation were entered and the product was ordered destroyed.

142. Misbranding of Koenig's Nervine. U. S. v. 45 Bottles of Koenig's Nervine. Default decree of condemnation and destruction. (F. D. C. No. 1529. Sample No. 89142–D.)

This product contained sodium, potassium, and ammonium bromides, extracts of plant material (including valerian), glycerin, alcohol, and benzoic acid. It would be dangerous to health when used as directed, prescribed, recommended, or suggested in its labeling. The labeling was further objectionable since it created the impression that the article was an appropriate treatment for the conditions for which it was recommended and because of failure to reveal the consequences which might result from its use.

On February 29, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 45 bottles of Koenig's Nervine at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about February 15, 1940, by the Koenig Medicine Co. from Chicago, Ill.; and charging that it was misbranded.

The article was alleged to be misbranded in that its labeling bore representations that it was indicated as a sedative in common nervousness, sleeplessness, restlessness, nervous irritability, functional nervous disturbances, and headache due to common nervousness, and bore directions that the dose for an adult was ½ to ¾ tablespoonful in ½ glass of water 3 times a day, that it should preferably be taken after the noonday and evening meals and at bedtime, that the dose for children 12 to 18 years old was one-half the adult dose, that ½ to ¾ tablespoonful should be taken in ½ glass of water after the evening meal for sleeplessness due to nervousness and that the dose should be repeated before retiring if needed; that some individuals are more easily affected by the sedative action of the product and the dose should be regulated accordingly; that if sleepiness occurs during the day the dose should be reduced; that for the conditions indicated it should not be necessary to use the product continuously for long periods and that in cases of persistent nervousness a physician should be consulted; that the product had been used for 50 years and contained no opiates; that some persons are peculiarly susceptible to bromides and on those persons their use might produce a rash; that if such rash appeared the use of the product should be discontinued until the rash disappeared, when its use might be resumed in smaller doses and gradually increased to the point of tolerance; that a very large percentage of nervous disorders are due to a strained, overworked, and irritable condition of

the nervous system; that the product would give relief in those cases by its sedative action which would accomplish a quieting and soothing influence and take the strain and tension from the overtaxed nerves and help them function calmly—which representations were false and misleading in that they created the impression that the article constituted an appropriate treatment for use as a sedative in common nervousness, sleeplessness, restlessness, nervous irritability, functional nervous disturbances, and headache due to common nervousness; whereas it did not constitute an appropriate treatment for such conditions but was a dangerous drug. It was alleged to be misbranded further in that its labeling failed to reveal the fact, material in the light of the representations made, that the use of the article in accordance with the directions might lead to mental derangement, skin eruptions, and other serious effects. It was alleged to be misbranded further in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling.

On May 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

143. Misbranding of Capsules Ka-No-Mor. U. S. v. 144 Packages of Capsules Ka-No-Mor. Default decree of condemnation and destruction. (F. D. C. No. 1941. Sample No. 14238–E.)

This product contained acetanilid, caffeine, and aspirin; and it would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling. It was misbranded further for the reasons indicated below.

On May 9, 1940, the United States attorney for the District of Delaware filed a libel against 144 packages of Ka-No-Mor at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about April 23, 1940, by A. G. Luebert, P. D., from Coatesville, Pa.; and charging that it was misbranded.

It was alleged to be misbranded in that the labeling bore representations that it would give quick relief from pains and aches, headache, neuralgia, colds, fever, toothache, neuritis, and rheumatic pains; would relieve pain and discomfort of simple headaches and neuralgias, head colds, muscular pains and aches; and that it did not contain opiates or narcotics in any form, that one capsule should be taken with a half glass of water and repeated in 20 minutes if necessary, then one every 3 hours as required; that for simple headaches one capsule should be taken with a glass of water and if not relieved within 1 hour, that the dose should be repeated; that when pain is severe, one capsule could be taken every 3 hours until relief is obtained; that for simple neuralgia, such as nerve pains of the head, face, back or limbs, 1 capsule should be taken with a glass of water; repeated in 1 hour if necessary and continued every 3 or 4 hours as required; that it would relieve toothache and was splendid for the relief of pain after extraction of teeth and would relieve the ache after sensitive teeth had been filled; that common colds would usually respond more quickly if one capsule were taken every 3 hours; that it would tend to reduce fever and that it could be taken regularly every 4 hours if required when pain is severe and continual, which representations were false and misleading in that they created the impression that the article constituted an appropriate treatment for these conditions; whereas it was not such a safe and appropriate remedy but was a dangerous drug and also because the label failed to reveal the fact, material in the light of the representations above referred to, that the use of the article in accordance with directions might cause serious blood disturbances, anemia, collapse, or dependence on the drug.

It was alleged to be misbranded further in that its label failed to bear adequate directions for use and adequate warnings for the protection of users.

It was alleged to be misbranded further in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling.

On June 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

144. Misbranding of Renton's Hydrocin Tablets. U. S. v. 10 Bottles, 14 Bottles, and 2 Bottles of Renton's Hydrocin Tablets. Default decrees of condemnation and destruction. (F. D. C. Nos. 138, 139. Sample Nos. 41545–D, 50567–D.)

This product contained cinchophen. Its labeling bore representations regarding its use as an analgesic and antipyretic, recommending a dose of 1 to 2 tablets as directed by the physician and that it should be used solely under a

physician's guidance. Investigation, however, disclosed that the drug was frequently dispensed without a physician's prescription. It would be dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling.

On January 25 and 30, 1939, the United States attorneys for the District of Utah and the Eastern District of Washington filed libels against 10 bottles each containing 50 Renton's Hydrocin Tablets at Ogden, Utah, and 16 bottles containing a total of 1,700 tablets of the same product at Spokane, Wash., alleging that the article had been shipped in interstate commerce by Pasadena Products, Inc., from Pasadena, Calif., within the period from on or about August 31, 1938, to on or about January 3, 1939; and charging that it was misbranded for the reasons appearing above.

On March 13 and 24, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

145. Misbranding of Neuroine. U. S. v. 11 Bottles of Neuroine. Default decree of condemnation and destruction. (F. D. C. No. 1677. Sample No. 37513–D.)

This product contained sodium bromide and alcohol, and would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling. It contained more sodium bromide and less alcohol than the amounts declared.

On March 22, 1940, the United States attorney for the Western District of Missouri filed a libel against 11 bottles of Neuroine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 30, 1940, by the Link Chemical Co. from Emporia, Kans.; and charging that it was misbranded.

It was alleged to be misbranded in that the representations in the labeling that it contained 60 grains of sodium bromide and 25 percent of alcohol, were false and misleading since the bottle (1 pint) contained very materially more than 60 grains of sodium bromide and materially less than 25 percent of alcohol. It was alleged to be misbranded further in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which directed a dosage for adults of a tablespoonful to an ounce, as necessary to control case, with proportionate dosage for children.

On June 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

146. Adulteration and misbranding of Migro Headache Powder. U. S. v. 13 Boxes of Migro Headache Powder. Default decree of condemnation and destruction. (F. D. C. No. 1745. Sample No. 88912–D.)

These powders consisted essentially of acetanilid, sodium bicarbonate, tartaric acid, and milk sugar. They would be dangerous to health when used in the dosage or with the frequency or duration prescribed in the labeling, which failed to reveal the consequences which might result from their use. The labeling was further objectionable, as indicated below.

On April 15, 1940, the United States attorney for the Northern District of Indiana filed a libel against 13 boxes of Migro Headache Powder at South Bend, Ind., alleging that the article had been shipped in interstate commerce on or about February 6, 1940, by C. J. Czarnecki from Detroit, Mich.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely, 5 grains of acetanilid per powder since it contained materially more than 5 grains of acetanilid per powder.

Misbranding was alleged in that the representations on the label that each powder contained 5 grains of acetanilid was false and misleading since it contained materially more than 5 grains of acetanilid per powder.

It was alleged to be misbranded further in that its labeling bore representations that it was a headache powder, was intended for the relief of simple headache, and bore directions that one powder be taken and repeated in 1 hour if not relieved, which were false and misleading since the impression was created thereby that the article constituted an appropriate treatment for conditions such as those described in the labeling; whereas it was not a safe and appropriate remedy but was a dangerous drug and the labeling failed to reveal the fact, which was material in the light of the representations made on the label, that the use of the article in accordance with the directions

might cause serious blood disturbances, anemia, collapse, or dependence on the drug.

It was alleged to be misbranded further in that it was dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling; in that the labeling failed to bear a statement of the common or usual names of the active ingredients, including the quantity of acetanilid since the declaration of the quantity of acetanilid was incorrect; and in that its labeling failed to bear adequate directions for use and adequate warnings for the protection of users.

On June 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

147. Misbranding of Nervease Headache Powders. U. S. v. 99 Packages of Nervease Headache Powders. Default decree of condemnation and destruction. (F. D. C. No. 521. Sample No. 69457–D.)

These powders contained acetanilid and caffeine. They would be dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling. Moreover, their labeling bore false and misleading representations regarding their efficacy in the conditions indicated below.

On August 30, 1939, the United States attorney for the District of Maine filed a libel against 99 packages of Nervease Headache Powders at Bangor, Maine, alleging that the article had been shipped in interstate commerce on or about March 27, 1939, by the Nervease Co. from Boston, Mass.; and charging that it was misbranded.

Analysis showed that each powder contained 4.6 grains of acetanilid and 0.87 grains of caffeine together with milk sugar and pink coloring.

Misbranding was alleged in that the labeling bore representations that the product was a nervease headache powder, that it had been in use all over this country for 45 years, and that during that time many hundreds of testimonials had been received from people who had been benefited by its use: that it did not contain any opiates or cathartic drugs, that each powder contained 4½ grains of acetanilid combined with other drugs for the relief of pain—especially headache, that it had been found to be a valuable remedy for the relief of pain and discomfort that ladies suffer from at certain periods and that one powder should be taken 2 or 3 times a day for that purpose, that it was an efficient remedy for colds and should be taken in the dosage of one powder every 4 hours for that purpose, that one powder should be taken for headache and that if pain had not disappeared in 30 minutes another powder should be taken; that in most cases of headache one powder would give relief in from 5 to 15 minutes; that if the second powder did not give relief it would indicate that the pain proceeded from some cause that the powder would not remove, and that it would be advisable to try a Rochelle powder and to wait for at least 2 or 3 hours before taking a third powder; which representations were false and misleading since the article was not efficacious for the purposes so recommended. It was alleged to be misbranded further in that it was dangerous to health when used in the dosage, or with the freqnency or duration prescribed, recommended, or suggested in the labeling.

On September 28, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

VAPORIZING DEVICES

148. Misbranding of Hexadrin. U. S. v. 25 Packages of Hexadrin. Default decree of condemnation and destruction. (F. D. C. No. 1602. Sample No. 75142–D.)

This device consisted of a glass tube so shaped as to permit its being fitted into the nostril, and to which was attached a rubber tube fitted with a mouthpiece. The glass tube contained a roll of cotton saturated with an oily medicament. The user by blowing into the mouthpiece forced the medicated vapor into the nasal passages. The device would be dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling, which bore directions that the tube be inserted in the nostril, that the mouthpiece be placed between the lips, and that the user blow, gently at first, gradually increasing the pressure until the effects could be felt deep in the nasal passages.

On March 7, 1940, the United States attorney for the District of North Dakota filed a libel against 25 packages of Hexadrin at Bismark, N. Dak.,

consigned about November 6, 1939, alleging that the article had been shipped in interstate commerce by the Murray Products Co. from San Francisco, Calif.; and charging that it was misbranded for the reasons appearing above.

On June 11, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

149. Misbranding of Nazoscope. U. S. v. 135 Packages of Nazoscope. Default decree of condemnation and destruction. (F. D. C. No. 199. Sample No. 40912–D.)

This device consisted of a vaporizing chamber (containing a wick) of such size and shape as to permit its fitting into the nostril and to which was attached a rubber tube fitted with a mouthpiece. An accessory medicament labeled "Nazone," which accompanied the article, consisted essentially of volatile oils (including spearmint oil), alcohol, and water. The device would be dangerous to health when used in the dosage and with the frequency or duration prescribed, recommended, or suggested in the labeling, which contained directions that 10 to 15 drops of Nazone be placed on the wick, the appliance inserted into the nostril, that the glass mouthpiece on the end of the rubber tube be placed between the lips, and that the user blow gently, gradually increasing the pressure until the effects could be felt deep in the nasal passages.

On March 14, 1939, the United States attorney for the District of Utah filed a libel against 135 packages of Nazoscope at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about October 21, 1938, by the Murray Laboratories from Santa Monica, Calif.; and charging that it was misbranded.

On May 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NIPPLE SHIELDS

Nos. 150 and 151 report the seizure and disposition of nipple shields which were made essentially of lead. They were potentially dangerous because lead poisoning might result in infants fed from the breasts of mothers using the device.

150. Misbranding of nipple shields. U. S. v. 71 Boxes of Dr. Wansbrough's Metallic Nipple Shields. Default decree of condemnation and destruction. (F. D. C. No. 1914. Sample No. 6973–E.)

On May 21, 1940, the United States attorney for the District of Montana filed a libel against 71 boxes of Dr. Wansbrough's Metallic Nipple Shields at Great Falls, Mont., alleging the article had been shipped in interstate commerce on or about July 1, 1936, by the Glasco Products Co. from Chicago, Ill.; and charging that it was misbranded.

The article, a device, was alleged to be misbranded in that the representations in the labeling that it was for the prevention and cure of sore nipples, that it should be applied as soon after delivery as possible, that in using it the only attention required was to wipe the nipple previously to nursing and apply immediately afterwards, and that it was in no way likely to be injurious to the infant, were false and misleading in that the said representations gave the impression that the device was a preventative and cure for sore nipples; whereas it was not a safe and appropriate remedy or cure for sore nipples but was a dangerous drug. The device was alleged to be misbranded further in that the labeling was misleading since it failed to reveal the facts, material in the light of the representations made therein, and material with respect to consequences which might result from the use of the device under the conditions of use prescribed in the labeling and under such conditions of use as are customary and usual, that the use of the device in accordance with the directions might cause fatal lead poisoning in infants fed from breasts of mothers using said device. It was alleged to be misbranded further in that it was dangerous to health when used with the frequency or duration prescribed, recommended, and suggested in the labeling thereof.

On July 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

151. Misbranding of nipple shields. U. S. v. 15 Boxes of Dr. Wansbrough's Metallic Nipple Shields. Default decree of condemnation and destruction. (F. D. C. No. 151. Sample No. 48920–D.)

On February 3, 1939, the United States attorney for the District of Rhode Island filed a libel against 15 boxes of the above-named article at Providence,

R. I., alleging that it had been shipped in interstate commerce on or about October 6, 1938, by the J. Sklar Manufacturing Co. from Brooklyn, N. Y.; and charging that it was misbranded.

It was alleged to be misbranded in that it was dangerous to health when used in the dosage, or with the frequency prescribed, recommended, or suggested in the labeling, in which the article was recommended for the prevention and treatment of sore nipples and which contained directions that the shields should be applied as soon after delivery as possible, that in their use the only attention required was to wipe the nipple before nursing and apply the shield again immediately afterwards, and that they were in no way likely to be injurious to the infant.

On August 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

152. Misbranding of Bad-Ex Salts. U. S. v. Dr. Frederick M. Lawrence (American Laboratories). Plea of guilty. Fine, $50. (F. D. C. No. 97. Sample Nos. 34931–D, 38817–D, 58508–D, 59646–D.)

This product contained tartar emetic. Its labeling bore directions and recommendations that a teaspoonful be taken in a glassful of water when needed, that a teaspoonful be taken in a glassful of cold water on arising in the morning, that children should take one-fourth to 1 teaspoonful according to age, that the salts should be added to the water, stirred, and drunk as effervescence subsided, and that it should never be taken less than a half hour before meals unless otherwise directed. It would be dangerous to health when used in the dosage and with the frequency or duration so prescribed, recommended, or suggested in the labeling.

On November 21, 1939, the United States attorney for the Middle District of Pennsylvania filed an information against Dr. Frederick M. Lawrence, trading as the American Laboratories, at Carlisle, Pa., alleging shipment by said defendant within the period from on or about November 5 to on or about December 10, 1938, from the State of Pennsylvania into the States of Maryland, Missouri, Ohio, and New York, of quantities of Bad-Ex Salts which was misbranded for the reasons stated above.

The article was also charged to be adulterated and misbranded in violation of the Food and Drugs Act of 1906, reported in notices of judgment published under that act.

On December 4, 1939, a plea of guilty was entered by the defendant and the court imposed a fine of $50.

153. Misbranding of Bull's 1001 Obesity Capsules. U. S. v. 3 Packages of Bull's 1001 Obesity Capsules. Default decree of condemnation and destruction. (F. D. C. No. 1914. Sample No. 6073–E.)

These capsules contained thyroid and small proportions of sulfur, licorice, and nux vomica; and would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which bore directions that 1 capsule should be taken 4 times a day, one immediately after each meal and at bedtime.

On January 31, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 3 packages of Bull's 1001 Obesity Capsules at Sheboygan, Wis., alleging that the article had been shipped in interstate commerce on or about March 24, 1939, by J. W. Bull from Chicago, Ill.; and charging that it was misbranded for the reasons appearing above.

On March 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

154. Misbranding of Young's Preparation. U. S. v. 36 Bottles of Young's Preparation. Default decree of condemnation and destruction. (F. D. C. No. 2302. Sample No. 537–E.)

This product contained acetic acid; and would be dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling, in which it was recommended for the relief of itching skin and scalp and which bore directions that the bottle be shaken well and the product applied to afflicted parts two or three times a day; that if the parts were raw it should be diluted with water until it could be used full strength and that it was natural for the product to sting when first applied.

On or about July 8, 1940, the United States attorney for the Southern District of Florida filed a libel against 33 bottles of Young's Preparation at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce by O. L. Brunson from Waycross, Ga., on or about May 31, 1940; and charging that it was misbranded in violation of the Federal Food, Drug, and Cosmetic Act for the reasons appearing above.

It was also alleged to be misbranded in violation of the Federal Caustic Poison Act reported in notice of judgment No. 102 published under that act.

On September 9, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

155. Adulteration and misbranding of Cotec. U. S. Thomas E. Connor (The Cotec Co.). Plea of guilty. Fine, $25. (F. D. C. No. 949. Sample No. 73892–D.)

This product was found to consist of fatty substances and filth, as indicated by the presence of viable micro-organisms. Furthermore, its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 22, 1940, the United States attorney for the District of Massachusetts filed an information against Thomas E. Connor, trading as the Cotec Co., at Lynn, Mass., alleging shipment by said defendant on or about November 22, 1939, from the State of Massachusetts into the State of New Hampshire, of a quantity of Cotec which was adulterated and misbranded. The article was labeled in part: "Cotec, a preparation for all kinds of piles."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that its labeling bore representations that it was an efficacious and appropriate treatment for all kinds of piles, including blind, bleeding, itching, internal and external piles; would relieve, by absorption, all inflammation of the lower bowel, without an operation; that it was one of the most valuable of all pile treatments and would do all that was claimed for it; that it would reduce all congestion and swelling, and heal all sores, ulcers, and irritated parts immediately; that it would heal while one slept; that it was an efficacious preparation for pile tumors; that it would be an efficacious preparation for the symptoms of the disease (piles), among which are bearing-down sensation, heat, tension, and throbbing of the part, varying from a moderate degree of the sensations to the most excruciating suffering; that it would be an efficacious preparation for prolapsus or fall of the bowels and for various attendant symptoms of piles such as nervous pains, pain and weakness in the back, irritation of the kidneys and bladder, and other organs of the vicinity, pain and numbness in the legs and feet, a sense of straitness about the chest, unnatural fullness of the abdominal viscera, accompanied by palpitation and oppression of the heart, great derangement of the circulation, sense of weight and pressure in the abdomen with peculiar feeling of uneasiness in the bowels, sensation of bearing down in the rectum and perineum, pain in the back and loins, nausea, slight pain in the stomach, scanty and high-colored urine, pale countenance, confused sensation in the head, weariness and irritable and discontented state of mind, sense of fullness and oppression in the region of the stomach, and feeble circulation on the surface; that it was efficacious from the first symptom to the most aggravated type of the disease; that, in conjunction with Cotec Laxative Pills, it would constitute a complete treatment for piles, would reach the seat of the ailment, restore to a healthy condition, prevent the return of piles, and would guarantee to all perfect immunity from the complaint; that if used regularly it would effect a cure; that it would cure quickly and permanently; and that it was the best pile remedy, were false and misleading in that the said article contained no ingredient possessing efficacy in the said conditions, but did consist of a filthy mixture unfit for medicinal use.

On October 1, 1940, the defendant entered a plea of guilty and the court imposed a fine of $25.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS OR BECAUSE OF SUBSTITUTION[1]

156. Adulteration and misbranding of Elixir Sodium Salicylate Compound. U. S. v. Standard Pharmacal Co. Plea of nolo contendere. Fine, $25. (F. D. C. No. 956. Sample No. 55545-D.)

This product was represented to be a drug the name of which is recognized in the National Formulary. It contained potassium iodide in excess of the amount specified in the National Formulary, and in excess of the amount declared on its label.

On May 14, 1940, the United States attorney for the Northern District of Illinois filed an information against the Standard Pharmacal Co., a corporation, Chicago, Ill., alleging shipment by said company on or about July 31, 1939, from the State of Illinois into the State of Indiana, of a quantity of elixir sodium salicylate compound which was adulterated and misbranded.

Adulteration was alleged in that the article was represented as a drug the name of which is recognized in an official compendium, the National Formulary, and its strength differed from the standard set forth in said compendium in that 1,000 cubic centimeters of the article contained not less than 20.2 grams of potassium iodide, equivalent to 9.19 grains per fluid ounce; whereas the National Formulary provides that compound elixir of sodium salicylate shall contain in each 1,000 cubic centimeters 15 grams of potassium iodide, equivalent to 6.84 grains per fluid ounce and the difference in strength of the article from the said standard was not stated plainly on the label.

Misbranding was alleged in that the representation on the label that each fluid ounce represented 3¾ grains of potassium iodide was false and misleading since each fluid ounce of the article contained not less than 9.19 grains of potassium iodide.

On June 24, 1940, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of $25.

157. Adulteration and misbranding of mineral oil. U. S. v. 1,149 Packages of Mineral Oil. Default decree of condemnation and destruction. (F. D. C. No. 1944. Sample No. 2344-E.)

This product failed to comply with the standard prescribed by the United States Pharmacopoeia since tests showed that it contained carbonizable substances; whereas the pharmacopoeia provides that white mineral oil shall be free from such substances.

On May 16, 1940, the United States attorney for the District of Massachusetts filed a libel against 1,149 packages of mineral oil at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about April 5, 1940, by the Tyler Products Co. from Pawtucket, R. I.; and charging that it was adulterated and misbranded. It was labeled in part: "Federal Mineral Oil * * * U. S. P. Standard."

Adulteration was alleged in that the article purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia and its quality or purity fell below the standard set forth in the pharmacopoeia and its difference from the standard was not plainly stated on the label.

It was alleged to be misbranded in that the representations in the label that it was mineral oil of United States Pharmacopoeial standard, was false and misleading since it did not comply with the tests laid down in the pharmacopoeia for mineral oil.

On June 24, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

158. Adulteration and misbranding of mineral oil. U. S. v. 117 Bottles of Russian Oil U. S. P. Mineral Oil. Default decree of condemnation and destruction. (F. D. C. No. 1779. Sample No. 2247-E.)

This product was light mineral oil and not heavy mineral oil as indicated by its labeling.

On April 11, 1940, the United States attorney for the District of Rhode Island filed a libel against 117 bottles of mineral oil at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 20, 1940, by Diamond Drug & Magnesia Co., Boston, Mass.; and charging that it

[1] See also N. J. Nos. 146, 182, and 215.

was adulterated and misbranded. It was labeled in part: "Russian Oil U. S. P. Mineral Oil * * * General Drug & Oil Co., Inc., Boston, Mass."

It was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in an official compendium and its strength differed from, or its quality or purity fell below, the standard set forth in such compendium.

It was alleged to be misbranded in that the representations in the labeling that it was "Genuine Pure Russian Oil U. S. P. Mineral Oil" were false and misleading.

On May 2, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

159. Adulteration and misbranding of quinine sulfate. U. S. v. 132 Bottles of Quinine Sulfate. Default decree of condemnation and destruction. (F. D. C. No. 1313. Sample No. 84280–D.)

This product contained moisture in excess of the amount specified by the United States Pharmacopoeia. The containers were deceptive since their contents occupied only about 89 percent of the capacity of the bottles. Most of the bottles examined contained less than the amount indicated by the label.

On or about January 15, 1940, the United States attorney for the Western District of Arkansas filed a libel against 132 bottles of quinine sulfate at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce on September 18, 1939, by the Frank Tea & Spice Distributing Co. from Cincinnati, Ohio; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia and its strength differed from and its quality fell below the standard set forth in the said pharmacopoeia since the moisture content was 8.9 percent; whereas the pharmacopoeia specifies that quinine sulfate shall contain not more than 5 percent moisture.

Misbranding was alleged in that representations appearing in the labeling that the article was U. S. P. X. quinine sulfate and contained about 15 percent water of crystallization and complied with tests laid down in the U. S. Pharmacopoeia for quinine sulfate, were false and misleading. The article was alleged to be misbranded further in that the statement "No. ⅛," borne on the wrapper and carton, meant that the bottles contained ⅛ ounce, and was false and misleading since it was incorrect. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

160. Adulteration and misbranding of peroxide of hydrogen. U. S. v. 708 Bottles of Peroxide of Hydrogen. Default decree of condemnation and destruction. (F. D. C. No. 838. Sample No. 74042–D.)

This product contained not more than 1.87 grams of H_2O_2 per 100 cc.; whereas the pharmacopoeia requires that solution of hydrogen peroxide shall contain not less than 2.5 grams of H_2O_2 per 100 cc. It contained about double the amount of preservative (in this case acetanilid) specified in the pharmacopoeia and about double the amount declared on the label. Its labeling bore false and misleading representations regarding its efficacy in the treatment of boils, sores, and abscesses.

On or about October 30, 1939, the United States attorney for the District of Connecticut filed a libel against 708 bottles of peroxide of hydrogen at New London, Conn., alleging that the article had been shipped in interstate commerce on or about September 28, 1939, by the Sunlight Chemical Corporation from Phillipsdale, R. I.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that the article purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia, and its strength differed from and its quality and purity fell below the standard set forth therein for solution of hydrogen peroxide. It was alleged to be adulterated further in that its strength differed from and its quality fell below that which it purported or was represented to possess in that it was represented to contain 3 percent of H_2O_2 but contained a smaller amount.

It was alleged to be misbranded in that representations in the labeling that it contained $\frac{3}{16}$ grain of acetanilid per fluid ounce and was efficacious in the treatment of boils, sores, and abscesses, were false and misleading since it contained slightly less than ½ grain of acetanilid per fluid ounce and was not a competent treatment for boils, sores, and abscesses.

On April 26, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

161. Adulteration of peppermint oil. U. S. v. 66 Cases of Peppermint Oil. Consent decree of condemnation. Product released under bond to be relabeled and disposed of for technical purposes. (F. D. C. No. 1332. Sample No. 86071–D.)

This product differed from the pharmacopoeial standard for oil of peppermint.

On January 10, 1940, the United States attorney for the Southern District of New York filed a libel against 66 cases, each containing 60 pounds, of peppermint oil at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 5, 1939, by the Transpacific Trading Corporation from Los Angeles, Calif.; and charging that it was adulterated. It was labeled in part "Peppermint Oil."

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia and its strength differed from and its quality and purity fell below the standard set forth in that compendium in that it yielded not more than 2.9 percent of esters calculated as menthyl acetate, it failed to comply with the test "distinction from oil from Mentha arvensis," its color was dark yellow or amber, and its odor was not characteristic of oil of peppermint; whereas the pharmacopoeia specifies that oil of peppermint shall yield not less than 5 percent of esters calculated as menthyl acetate, a specific test is provided in the pharmacopoeia to distinguish peppermint oil obtained from *Mentha piperita* Linné from *Mentha arvensis*. It specifies that peppermint oil is a colorless liquid, and the difference in strength, quality, and purity from such standard was not stated plainly on the label.

On March 29, 1940, the Transpacific Trading Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled "Cornmint Oil Partially Dementholized Imported from China, * * *. For Technical use only," and disposed of for technical uses only.

162. Adulteration of citrate of magnesia. U. S. v. 201 Bottles of Solution Citrate of Magnesium. Default decree of condemnation and destruction. (F. D. C. No. 1604. Sample No. 64997–D.)

This product contained less magnesium citrate and less total citric acid than required by the United States Pharmacopoeia.

On March 8, 1940, the United States attorney for the Western District of Kentucky filed a libel against 201 bottles of solution citrate of magnesium at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about January 10, 1940, by the F. & M. Chemical Co. from Indianapolis, Ind.; and charging that it was adulterated.

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia, but its strength differed from the standard set forth in the said compendium and its difference in strength from such standard was not stated plainly on the label.

On April 3, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

163. Adulteration and misbranding of sandalwood oil capsules. U. S. v. 7 Boxes, 21 Boxes, and 19 Boxes of Sandalwood Oil. Default decree of condemnation and destruction. (F. D. C. No. 1274. Sample Nos. 86606–D, 86607–D, 86608–D.)

Samples of this product yielded not more than 73.5, 45.1, and 44.9 percent, respectively, of alcohols calculated as santalol, were completely insoluble in 5 volumes of 70 percent alcohol, and did not have the characteristic odor of sandalwood; whereas the United States Pharmacopoeia requires that sandalwood oil shall yield not less than 90 percent of alcohols calculated as santalol, shall be soluble in 5 volumes of 70 percent alcohol, and have the characteristic odor of sandalwood. Furthermore, the specific gravity of the product, its optical rotation, and in some samples its color and refractive index did not conform to the pharmacopoeial specifications.

On January 2, 1940, the United States attorney for the District of Massachusetts filed a libel against 47 boxes of sandalwood oil at Boston, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about October 2 to on or about October 24, 1939, by the Red Mill Drug Co.

from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Pure East India (U. S. P.) Sandalwood Oil."

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its strength differed from, and its quality and purity fell below, the standard set forth in that compendium, and its difference in strength, quality, and purity from such standard was not plainly stated on its label.

It was alleged to be misbranded in that the representation in the labeling that it was pure East India U. S. P. sandalwood oil was false and misleading.

On March 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

164. Adulteration and misbranding of sandalwood oil. U. S. v. 5 Boxes and 12 Boxes of Sandalwood Oil. Default decree of condemnation and destruction. (F. D. C. Nos. 1282, 1330. Sample Nos. 77631–D, 77632–D, 77634–D.)

This product differed from the pharmacopoeial standard in the following respects: It yielded less than 90 percent of alcohols calculated as santalol, it did not have the characteristic odor of sandalwood, and was not soluble in 5 volumes of 70 percent alcohol. It also differed from the standard with respect to its specific gravity and optical rotation.

On January 2 and January 10, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 17 boxes of sandalwood oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from about February 2 to October 18, 1939, from Brooklyn, N. Y., by the Red Mill Drug Co.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that it purported to be or was represented as a drug, the name of which is recognized in the United States Pharmacopoeia but its strength differed from, and its quality and purity fell below, the standard set forth in the pharmacopoeia; and its difference in strength, quality, and purity from such standard was not plainly stated on the label.

It was alleged to be misbranded in that the representation in the labeling that it consisted of pure East India (U. S. P.) sandalwood oil was false and misleading.

On February 3, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

165. Adulteration and misbranding of tincture digitalis. U. S. v. 2 Bottles and 4 Bottles of Tincture Digitalis. Default decree of condemnation and destruction. (F. D. C. No. 1459. Sample No. 76917–D.)

The potency of this article exceeded the maximum potency for tincture of digitalis as specified in the United States Pharmacopoeia.

On February 8, 1940, the United States attorney for the District of Columbia filed a libel against 2 bottles each containing 4 fluid ounces, and 4 bottles each containing 1 pint, of tincture of digitalis at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about August 4 and September 26, 1939, by Burrough Bros. Manufacturing Co. from Baltimore, Md.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that the article purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia and its strength differed from the standard set forth in that official compendium.

It was alleged to be misbranded in that the representations in the labeling that it was tincture of digitalis, U. S. P. XI, that 1 cc. possessed an activity equivalent to 1 to 1.1 U. S. P. digitalis units, were false and misleading since each cc. of the article did not possess an activity equivalent to 1 to 1.1 U. S. P. digitalis units but did possess a greater activity.

On February 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

166. Adulteration of digitalis leaves. U. S. v. 106 Packages of Digitalis. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 1391. Sample Nos. 68453–D, 68454–D.)

This product differed from the pharmacopoeial requirements, one shipment having a potency of 62 percent and the other having a potency of 61 percent of that required.

On January 22, 1940, the United States attorney for the Southern District of New York filed a libel against 106 sacks of digitalis leaves at New York, N. Y., alleging that the article had been shipped in interstate commerce on

or about April 5, 6, and 7, 1939, by F. E. Ketchum from Salem, Oreg.; and charging that it was adulterated.

Adulteration was alleged in that the article purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia and its strength differed from the standard set forth for digitalis since its potency varied between 61 percent and 62 percent of that required.

On May 22, 1940, the Western Trading Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly labeled and that it be disposed of in the manufacture of preparations which are not official, and in which properly calculated extra quantities of the drug should be used to standardize such preparations to their ordinary or usual potency of digitalis extract.

167. Adulteration and misbranding of digitalis tablets. U. S. v. 1 Metal Drum and 10,791 Bottles of Digitalis Tablets. Decree ordering product released under bond for relabeling. (F. D. C. No. 675. Sample No. 47831–D.)

These tablets were represented to contain 92.3 milligrams of powdered digitalis each; whereas they contained approximately 50 milligrams of powdered digitalis each.

On October 5, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 1 metal drum containing 70,000 digitalis tablets, and 10,791 bottles containing a total of 1,063,560 digitalis tablets, at Dumbarton, Va., alleging that the article had been introduced into interstate commerce within the period from on or about March 11 to on or about March 23, 1938, by the Maltbie Chemical Co. from Newark, N. J.; and charging that it was adulterated and misbranded. When introduced into interstate commerce, it was labeled: "Each tablet contains: Po. Digitalis, 92.3 Milligrams."

It was alleged in the libel that the article, when introduced into interstate commerce, was adulterated in that its strength differed from that which it purported or was represented to possess.

It was further alleged that the article was misbranded when introduced into interstate commerce in that the representation in the labeling that each tablet contained 92.3 milligrams of powdered digitalis was false and misleading, since each tablet contained less than so represented.

On December 19, 1939, the Wilber Co., Inc., Dumbarton, Va., having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that it be relabeled in conformity with the law under the supervision of the Food and Drug Administration.

168. Adulteration and misbranding of drugs. U. S. v. 1¾ Gallons of Eczema Lotion and various other drug products. Default decree of condemnation and destruction. (F. D. C. No. 1160. Sample Nos. 70301–D, 70303–D to 70306–D, incl., 70308–D, 70309–D, 70311–D, 70312–D, 70313–D, 70315–D, 70321–D, 70322–D, 70324–D to 70329–D, incl.)

These products were adulterated and/or misbranded as indicated hereinafter.

On December 11, 1939, the United States attorney for the District of New Jersey filed a libel against the following drugs located at Camden, N. J.: 1¾ gallons of Eczema Lotion, 19¾ gallons of Chlorotonic, 2 pints of Bromoforbia, 4½ gallons of Compound Mixture of Glycyrrhiza, 3¼ gallons of Chill Tonic, 22,300 Compressed Laxatonic Cold Tablets, 22,300 Compressed Nitro Glycerin Compound Tablets, 28,300 Iron, Arsenic, and Strychnine Tablets, 4,200 Strychnin Sulphate Tablets, 2,500 Tablets Three Iodides, 5,500 Tablets Tonic (Aiken), 14,600 Blaud and Sumbul Compound Tablets, 12,800 Ferruginous Tonic Tablets, 13,150 Blaud and Manganese Compound Tablets, 13,000 Cactus Compound Tablets, and 19,700 Cathartic Compound Tablets. It was alleged in the libel that the articles had been shipped in interstate commerce on or about January 30, 1939, by the Pharmacal Products Co., Dr. C. H. Hadley, receiver, from Easton, Md.; and that they were adulterated and/or misbranded.

Analysis of the Eczema Lotion showed that it consisted essentially of small proportions of mercuric bichloride, hydrocyanic acid, nitric acid, glycerin, and water. It was alleged to be misbranded in that the representations in the labeling regarding its efficacy in the treatment of eczema and other diseased conditions of the integument, were false and misleading.

Analysis of the Chlorotonic showed that it contained less than 1/6 grain of arsenic chloride per fluid ounce, namely, 0.145 grain of arsenic chloride. It was alleged to be adulterated in that its labeling represented that each fluid ounce

represented ⅙ grain of arsenic chloride; whereas its strength differed from and its purity and quality fell below that which it purported or was presented to possess. It was alleged to be misbranded in that the statement in the labeling that each fluid ounce represented ⅙ grain of arsenic chloride, was false and misleading. It was alleged to be misbranded further in that representations in the labeling that it was an alterative in the treatment of latent syphilis, was a stimulant to the glandular system, and was very effective in anemia, was false and misleading.

Analysis of the Bromophorbia showed that it contained less than 16 grains of sodium iodide, namely, 8.5 grains per fluid ounce. It was alleged to be adulterated in that its labeling represented that each fluid ounce represented 16 grains of sodium iodide; whereas its strength differed from and its purity and quality fell below that which it purported or was represented to possess. It was alleged to be misbranded in that the statement on the label that each fluid ounce represented 16 grains of sodium iodide, was false and misleading. It was alleged to be misbranded further in that the statement in the labeling that it was formerly known as Asthmabrom was false and misleading.

Analysis of the Compound Mixture of Glycyrrhiza showed that it contained a very material proportion of sediment which occupied approximately 22 percent of the volume of the mixture. It was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its quality and purity fell below the standard set forth in that compendium and the difference in quality and purity was not plainly stated on the label.

Analysis of the Chill Tonic showed that it contained less than 8 grains of quinine sulfate, namely, 7.03 grains of quinine sulfate per fluid ounce. It was alleged to be adulterated in that its labeling represented that each fluid ounce contained 8 grains of quinine sulfate; whereas its strength differed from and its purity and quality fell below such representation. It was alleged to be misbranded in that the representation in the labeling that each fluid ounce contained 8 grains of quinine sulfate was false and misleading. It was alleged to be misbranded further in that representations in the labeling that it was a chill tonic, was an antimalarial, and that it should be administered in a dosage of 1 to 2 teaspoonfuls well diluted every 3 hours until laxative action resulted, then 3 times daily, were false and misleading, since the article was not efficacious for the purposes recommended.

Analysis of the Laxatonic Cold Tablets showed that each tablet contained less than ½ grain of quinine sulfate, namely, 0.42 grain of quinine sulfate. It was alleged to be adulterated in that it was represented in its labeling as containing ½ grain of quinine sulfate per tablet; whereas its strength differed from and its purity and quality fell below such representation. It was alleged to be misbranded in that the representation in the labeling that each tablet contained ½ grain of quinine sulfate was false and misleading.

It was alleged to be misbranded further in that its name was false and misleading since it was not a laxative tonic as indicated by its name.

Analysis of the nitroglycerin compound tablets showed that they contained less than 1/100 grain, namely, 0.008 (1/125 grain) of nitroglycerin. The article was alleged to be adulterated in that its labeling represented that each tablet contained 1/100 grain of nitroglycerin, whereas its strength differed from and its purity and quality fell below such representation. It was alleged to be misbranded in that the representation in the labeling that each tablet contained 1/100 grain of nitroglycerin was false and misleading.

Analysis of the iron, arsenic, and strychnine tablets showed that the product consisted essentially of small proportions of iron, arsenous acid, and strychnine sulfate. It was alleged to be misbranded in that the representation in the labeling regarding its efficacy in neuralgia and general debility was false and misleading since the article was not efficacious for such purpose.

Examination showed that the Strychnine Sulfate Tablets contained not less than 129 percent of the labeled amount of strychnine sulfate. It was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the National Formulary, but its strength differed from and its quality and purity fell below the standard set forth in that compendium, and its difference in strength, quality, and purity was not plainly stated on the label. It was alleged to be misbranded in that the representation on the label that each tablet contained 1/20 grain of strychnine sulfate, was false and misleading since each tablet contained more than 1/20 grain of strychnine sulfate.

Analysis of the Three Iodides Tablets showed that the article consisted essentially of small proportions of mercuric iodide, arsenic iodide, and iron iodide. It was alleged to be misbranded in that the representations in the labeling that it was a hematinic, hepatic stimulant, and general tonic, were false and misleading since it was not efficacious for the purposes recommended.

Analysis of the Aiken Tonic Tablets showed that each tablet contained less than 1 grain of quinine sulfate, namely, 0.73 grain of quinine sulfate, and less than 1/50 grain of arsenous acid, namely, 0.017 grain of arsenous acid. The article was alleged to be adulterated in that its labeling represented that each tablet contained 1 grain of quinine sulfate and 1/50 grain of arsenous acid; whereas its strength differed from and its purity and quality fell below such representations. It was alleged to be misbranded in that the representation in the labeling that each tablet contained 1 grain of quinine sulfate and 1/50 grain of arsenous acid, was false and misleading. It was alleged to be misbranded further in that the representation in the labeling that it was efficacious as a general tonic in all forms of anemia, was false and misleading since it was not efficacious for such purposes.

Analysis of the Blaud and Sumbul Compound Tablets showed that each tablet contained less than 1/50 grain, namely, 0.015 grain of arsenous acid. The article was alleged to be adulterated in that its labeling represented that each tablet contained 1/50 grain of arsenous acid; whereas its strength differed from and its purity and quality fell below such representation. It was alleged to be misbranded in that the representation in the labeling that each tablet contained 1/50 grain of arsenous acid was false and misleading. It was alleged to be misbranded further in that its name was false and misleading since the article contained active ingredients other than Blaud's mass and sumbul.

Analysis of the Ferruginous Tonic Tablets showed that each tablet contained less than 1/50 grain of arsenous acid, namely 0.014 grain of arsenous acid. The article was alleged to be adulterated in that its labeling represented that each tablet contained 1/50 grain of arsenous acid; whereas its strength differed from and its purity and quality fell below such representation. It was alleged to be misbranded in that the representation in the labeling that each tablet contained 1/50 grain of arsenous acid was false and misleading. It was alleged to be misbranded further in that the name was false and misleading since the article contained ingredients possessing tonic properties besides iron.

Analysis of the Blaud and Manganese Compound Tablets showed that the article consisted essentially of iron, manganese, arsenic, strychnine, zinc, aloin, and damiana. It was alleged to be misbranded in that the name was false and misleading since the tablets contained active ingredients other than Blaud's mass and manganese compound. One shipment of the article was alleged to be misbranded further in that the representations in the labeling regarding its efficacy in anemia, chlorosis, and debility, whether from impoverished blood or chronic malaria, were false and misleading since the article was not efficacious for such purposes.

Analysis of the Cactus Compound Tablets showed that the tablets contained less than 1/100 grain, namely, 1/200 grain of nitroglycerin, each. The article was alleged to be adulterated in that its labeling represented that each tablet contained 1/100 grain of nitroglycerin; whereas its strength differed from and its purity and quality fell below such representation. It was alleged to be misbranded in that the representation in the labeling that each tablet contained 1/100 grain of nitroglycerin was false and misleading. It was alleged to be misbranded further in that the name was false and misleading since it contained active ingredients other than cactus.

Analysis of the Cathartic Compound Tablets showed that they contained less than 1 grain of calomel, namely, 0.6 grain of calomel each. The article was alleged to be adulterated in that its labeling represented that each tablet contained 1 grain of calomel; whereas its strength differed from and its purity and quality fell below such representation. It was alleged to be misbranded in that the representation in the labeling that each tablet contained 1 grain of calomel was false and misleading. It was alleged to be misbranded further in that representations in the labeling regarding its efficacy in bilious fever, hepatitis and jaundice, were false and misleading since it was not efficacious for the purposes recommended.

On January 11, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

169. Adulteration and misbranding of Mercurochrome 2% Solution. U. S. v. 145 7/12 Dozen Bottles of Mercurochrome. Default decree of condemnation and destruction. (F. D. C. No. 1916. Sample No. 1269–E.)

This product contained a smaller percentage of mercurochrome than that declared on its label.

On May 3, 1940, the United States attorney for the District of Maryland filed a libel against 145 7/12 dozen bottles of mercurochrome at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 24, 1939, by the Regent Merchandise Corporation from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Mercurochrome * * * 2% Solution * * * G. Barr & Company, Chicago."

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported or was represented to possess, namely, of "Mercurochrome Dibrom Oxymercuri Fluorescein 2% Solution"; whereas it contained less than 2 percent by weight of mercurochrome.

It was alleged to be misbranded in that the representation on the label that it consisted of "Mercurochrome Dibrom Oxymercuri Fluorescein 2% Solution," was false and misleading since it was not correct.

On May 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

170. Adulteration and misbranding of Anterior Pituitary Sex Hormone. U. S. v. 20 Vials of Anterior Pituitary Sex Hormone Solution. Default decree of condemnation and destruction. (F. D. C. No. 1471. Sample No. 70132–D.)

The potency of this product was found to be less than that declared in its labeling.

On February 8, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 20 vials of the above-named product at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 11, 1939, by the Difco Laboratories, Inc., from Detroit, Mich.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that the strength of the article differed from that which it purported or was represented to possess in that it was represented to contain 100 rat units per cc.; whereas it did not contain 100 rat units per cc. but did contain a smaller amount.

It was alleged to be misbranded in that representations in the labeling that it consisted of anterior pituitary sex hormone solution 100 rat units per cc. was false and misleading since it contained less than 100 rat units per cc.

On March 26, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

171. Adulteration and misbranding of Slumber Ointment. U. S. v. 56 Packages of Slumber Ointment. Default decree of condemnation and destruction. (F. D. C. No. 1496. Sample No. 78759–D.)

This product contained mercuric nitrate in excess of the amount declared on the label and its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 20, 1940, the United States attorney for the Northern District of Ohio filed a libel against 56 packages of Slumber Ointment at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about December 14, 1939, by the Nolan Co. from Greenville, Pa.; and charging that it was adulterated and misbranded.

Analysis showed that the article contained mercuric nitrate (7.96 percent), calcium and magnesium compounds, turpentine, soap, and water, in a fatty acid base.

The article was alleged to be adulterated in that its strength differed from and its purity and quality fell below that which it purported to possess.

It was alleged to be misbranded in that the representation in the labeling that it contained 7 percent of mercuric nitrate was false and misleading since it did not contain 7 percent of mercuric nitrate, but did contain a greater amount. It was alleged to be misbranded further in that its labeling bore representations that it was efficacious in the treatment of eczema, salt rheum, poisons, or other skin diseases, acne, pimply face, grease or rubber poisoning, blackheads, boils, piles, ringworms, burns and sunburn, dandruff, scaly and itching scalp, varicose ulcer, warts, ingrown toenails, and itch; that it had worked wonders in killing spotty baldness, the hair growing again in a remarkably short time and that for this condition it should be applied once a

day, with massage from 5 to 10 minutes followed with hot towels; that it was a "grand treatment" and great relief for chilblains, and that if the ointment seemed to irritate for several days, one should not become alarmed as that was the "nature of the ointment," together with a design showing "before" and "after," which representations and design were false and misleading, since they represented that the article was efficacious for the purposes recommended; whereas it was not efficacious for such purposes.

On June 3, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

172. Adulteration and alleged misbranding of special formula tablets. U. S. v. 10,980 Tablets Kamala. Default decree of condemnation and destruction. (F. D. C. No. 1860. Sample No. 66759–D.)

This veterinary remedy contained less kamala powder and less nicotine alkaloid than was declared on the label.

On April 24, 1940, the United States attorney for the District of Nebraska filed a libel against 10,980 Tablets Kamala at Clay Center, Nebr., alleging that the article had been shipped in interstate commerce on or about November 1, 1940, by the Shores Co., Inc., from Cedar Rapids, Iowa, and charging that it was adulterated and misbranded.

Adulteration was alleged in that the strength of said article differed from that which it purported or was represented to possess since each tablet was represented to contain 15 grains of kamala powder and 1¾ grains of nicotine alkaloid; whereas each tablet contained not more than 9.2 grains of kamala powder and not more than 1.08 grains of nicotine alkaloid.

It was alleged to be misbranded in that the representation in the labeling that each tablet contained 15 grains of kamala powder and 1¾ grains of nicotine alkaloid, was false and misleading since the tablets contained less amounts of kamala powder and nicotine alkaloid.

On June 28, 1940, no claimant having appeared, judgment was entered finding the product adulterated and ordering that it be condemned and destroyed.

173. Adulteration of IVC A B D G Capsules. U. S. v. 46,000 A B D G Capsules. Default decree of condemnation and destruction. (F. D. C. No. 1886. Sample No. 58345–D.)

This product contained fewer units of vitamins A, B_1, and D than it was represented to contain.

On April 26, 1940, the United States attorney for the Southern District of California filed a libel against 46,000 capsules at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about September 13, 1939, by the International Vitamin Corporation from Brooklyn, N. Y.; and charging that it was adulterated.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess in that it was represented to contain 50 International Units of vitamin B_1, 945 International Units of vitamin D, and 10,000 International Units of vitam A per capsule; whereas it contained not more than 25 International Units of vitamin B_1, not more than 800 International Units of vitamin D, and less than 10,000 International Units of vitamin A per capsule.

On June 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

174. Adulteration and misbranding of halibut liver oil capsules. U. S. v. 15 Dozen Packages of Halibut Liver Oil Capsules. Default decree of condemnation and destruction. (F. D. C. No. 1616. Sample No. 85923–D.)

This product was represented to consist of plain halibut liver oil, but consisted in part or other fish-liver oils.

On March 11, 1940, the United States attorney for the Southern District of New York filed a libel against 15 dozen packages, each containing 100 capsules, of halibut liver oil at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 11, 1939, by the Gelatin Products Co. from Detroit, Mich.; and charging that it was adulterated and misbranded. The article was labeled in part: "Premo Halibut Liver Oil Capsules Plain."

Adulteration was alleged in that another fish-liver oil had been substituted wholly or in part for plain halibut liver oil.

It was alleged to be misbranded in that representations in the labeling that it consisted of halibut liver oil capsules plain and that it had been prepared

from fresh halibut livers biologically standardized, were false and misleading, since it was not halibut liver oil plain, but was a mixture of various fish-liver oils. It was alleged to be misbranded further in that it was offered for sale under the name of another drug.

On April 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING THERAPEUTIC CLAIMS[2]

DRUGS ALSO FAILING TO BEAR REQUIRED INGREDIENT STATEMENT

175. Misbranding of San-Yak K-L-B Pills. U. S. v. 9 Bottles of Dr. Burnham's San-Yak K-L-B Pills. Default decree of condemnation and destruction. (F. D. C. No. 1817. Sample No. 5761–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Moreover, its label failed to bear a statement of the quantity of contents and also failed to bear a statement of the active ingredients contained in the product.

On April 20, 1940, the United States attorney for the Southern District of Indiana filed a libel against nine bottles of the above-named product at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by the Lee Chemical Co. from Birmingham, Mich.; and charging that it was misbranded.

Analysis showed that the article consisted chiefly of plant extractives including cinchona alkaloids, sandalwood, and emodin-bearing drugs; and magnesium, calcium, and iron salts.

The article was alleged to be misbranded in that its labeling bore representations that it would be efficacious to reduce sugar in the blood and urine, that it would be efficacious in frequent urination and for aches and pains in the back or joints and piles; that rheumatism, sugar in the blood, and high blood pressure are frequently caused by the improper functioning of the kidneys and liver, and that one pill taken daily would often be found beneficial in correcting these disorders; that it was an efficacious remedy for kidney, liver, and bladder disorders; that it had been used over 45 years by Dr. Burnham, a well-known specialist, who had devoted many years to the treatment of persons afflicted with kidney, liver and bladder disorders, which representations were false and misleading since the article was not efficacious for the purposes recommended. It was alleged to be misbranded further in that the representations in the labeling that each and all of the 15 ingredients used in the composition of the product were neither misbranded nor adulterated within the meaning of the pure food and drug act, was false and misleading. It was alleged to be misbranded further in that it was in package form and its label failed to bear a statement of the quantity of contents; and in that its label failed to bear a statement of the active ingredients contained in the preparation.

On June 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

176. Misbranding of Dr. Stover's Golden Oil. U. S. v. Six 2-Ounce Bottles and Six 6-Ounce Bottles of Dr. Stover's Golden Oil. Default decree of condemnation and destruction. (F. D. C. No. 2028. Sample No. 4929–E.)

This product contained a smaller proportion of chloroform than that declared, and its labeling bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On May 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against the above-named quantities of Dr. Stover's Golden Oil at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about February 29, 1940, by the Planet Products Co. from Orlando, Fla.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of mineral oil, oil of turpentine, oil of mustard, and chloroform (0.88 minims per fluid ounce) together with a coloring material.

Misbranding was alleged in that the labeling of the article bore representations that it was an anti-pain remedy, would stop pain and colds instantly, that it would be efficacious to rub out all bodily aches, pains, lameness and swelling;

[2] See also N. J. Nos. 141–143, 150, 155, 160, and 171.

that when used in an atomizer to spray nose and throat it would relieve asthma, hay fever, and sinus trouble quickly and positively and would destroy the germs lodged in the air passages, that by rubbing on the outside and spraying the throat it would stop sore throat at once; that to stop a cold the throat and chest should be rubbed thoroughly with the product to relieve the congestion; that it contained 2 minims of chloroform per ounce; that aching feet and ankles should be rubbed thoroughly with the article; that for lame back it should be rubbed in thoroughly and that 5 drops of oil might be taken on a little sugar 3 times a day; that it should be used as a rub as often as seemed necessary for ordinary aches and pains, lameness or swelling; that it should be rubbed on the chest and throat to relieve the congestion of colds and that when used in a spray, it would destroy the germs of influenza, which representations were false and misleading since the article would not be efficacious for the purposes so recommended.

It was alleged to be misbranded further in that the label did not bear the common or usual name of each active ingredient, including the quantity of chloroform contained therein.

On July 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

177. Misbranding of Domino Brand Antiseptic Rubbing Compound. U. S. v. 3⅝ Gross Packages of Domino Brand Antiseptic Rubbing Compound. Default decree of condemnation and destruction. (F. D. C. No. 2033. Sample No. 15446-E.)

The labeling of this product created the false and misleading impression that it was rubbing alcohol or the equivalent of rubbing alcohol, and failed to bear a statement of the presence and proportion of isopropyl alcohol contained in the product.

On May 31, 1940, the United States attorney for the Western District of Tennessee filed a libel against 3⅝ gross packages of the above-named product at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25, 1940, by the Halitosine Co. from St. Louis, Mo.; and charging that it was misbranded.

The article was alleged to be misbranded in that its labeling bore representations that it was an antiseptic rubbing compound to be used instead of rubbing alcohol; that it was for use for massaging, sponging, and after bath; that it was cooling and refreshing for hospital and home; that the product was not affected by T. D. (Treasury Decision) 4963; and that it contained no SDA (specially denatured) alcohol, which representations created the false and misleading impression that the product was rubbing alcohol or an equivalent of rubbing alcohol. It was alleged to be misbranded further in that its label failed to bear a statement of the presence and proportion of isopropyl alcohol that it contained.

On July 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NOSE DROPS AND INHALERS

178. Misbranding of Hill's Nose Drops. U. S. v. 35 Packages of Hill's Nose Drops. Consent decree of condemnation and destruction. (F. D. C. No. 1744. Sample No. 618-E.)

This product was labeled with false and misleading representations regarding its efficacy in the conditions indicated below, and it occupied less than 24 percent of the capacity of the packages in which it was packed.

On April 3, 1940, the United States attorney for the Northern District of Georgia filed a libel against 35 packages of Hill's Nose Drops at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, by the Anacin Co. (Wyeth Chemical Co., distributors, Jersey City, N. J.) from Jersey City, N. J.; and charging that it was misbranded.

Misbranding was alleged in that the labeling bore representations that it was efficacious for the quick relief of simple or nasal catarrh and that it would bring prompt relief in cases of tightness in the throat, which were false and misleading since the article was not efficacious for the purposes so recommended.

It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On May 21, 1940, the Wyeth Chemical Co., respondent, having alleged ownership and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

179. Misbranding of Holford's Famous Inhaler. U. S. v. 294 Packages of Holford's Famous Inhaler. Default decree of condemnation and destruction. (F. D. C. No. 1845. Sample No. 7331–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 22, 1940, the United States attorney for the Southern District of California filed a libel against 294 packages of Holford's Inhaler at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 13, 1940, by the Holford Co. from Minneapolis, Minn.; and charging that it was misbranded.

Analysis showed that the article was a mixture of plant material including eucalyptus leaves and lavender flowers, saturated with essential oils including mustard oil, eucalyptus oil, and camphor.

The article was alleged to be misbranded in that its labeling bore representations that it was efficacious in the treatment of catarrh, headaches, asthma, hayfever, sinus and many other troubles, headaches caused by eyestrain, nervousness, stomach trouble, inhaling vapors of gases, strong paints or similar causes; cold in the lungs, simple sore throat, constant coughing, asthma, tonsilitis, toothache and neuralgia in the jaws or temple, that its constant use was recommended for hay fever and catarrh, that on dusty dry days or when one has been sitting too long in a close stuffy room inhaling a few times would clear the head and dispel drowsiness; that inhaling the vapors at the first feeling of faintness would usually relieve fainting spells, that for those who have trouble arising in the morning due to sluggish or lazy feeling inhaling the vapors from the cork would give one a vigorous feeling; that it would afford quick relief from distress of minor troubles which affect the head or throat, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On May 15, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

180. Misbranding of Nazene Drops for Nose and Throat. U. S. v. 66 Packages of Nazene Drops for Nose and Throat. Default decree of condemnation and destruction. (F. D. C. No. 1874. Sample No. 7111–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below, and examination of the packages in which it was packed showed that they were only approximately one-fourth full.

On April 30, 1940, the United States attorney for the District of Arizona filed a libel against 66 packages of the above-named product at Phoenix, Ariz., alleging that the article had been shipped in interstate comerce by the Brunswig Drug Co. from Los Angeles, Calif., on or about August 3, 1939; and charging that it was misbranded.

Analysis showed that the article consisted of small proportions of ephedrine, chlorobutanol, menthol, and cinnamic aldehyde in a mineral-oil base.

It was alleged to be misbranded in that its labeling bore representations that it was a treatment for minor sore throat, for superficial inflammatory conditions of the nose and throat; that it was useful for huskiness, stuffiness of the head and similar superficial inflammatory conditions of the nose and throat, which were false and misleading since the article was not efficacious for the purposes so recommended.

It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On July 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

181. Misbranding of Premo Nasal Drops. U. S. v. 426 Packages of Premo Nasal Drops. Default decree of condemnation and destruction. (F. D. C. No. 1741. Sample No. 622–E.)

The bottle and carton labels of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Furthermore, the bottles contained smaller quantities of the product than that declared on the label; and they occupied less than 33 percent of the capacity of the cartons.

On April 3, 1940, the United States attorney for the Northern District of Georgia filed a libel against 426 packages of Premo Nasal Drops at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about December 26, 1939, by the Premo Pharmaceutical Laboratories from New York, N Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that its labeling bore representations that it would aid in temporarily relieving the discomfort of nasal catarrh and that it was efficacious in the relief of mucous inflammation, which were false and misleading since it was not efficacious for the purposes for which it was so recommended.

It was alleged to be misbranded further in that the statements (bottle) "½ Fld. Oz." and (carton) "½ Fluid Ounce" were false and misleading since the volume was less than ½ fluid ounce. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On April 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

182. Misbranding of Medovapo Inhaler. U. S. v. 313 Retail Kits of Medovapo Inhaler. Default decree of condemnation and destruction. (F. D. C. No. 1008. Sample No. 46609–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Moreover, it contained materially less benzoic acid than the amount declared on the label.

On November 22, 1939, the United States attorney for the Northern District of Illinois filed a libel against 313 kits of Medovapo Inhaler at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 22, 1939, by the Med-O-Vapo Co. from Minneapolis, Minn.; and charging that it was misbranded.

Examination showed that the article consisted of an inhaling device and a bottle of medicament consisting chiefly of alcohol (57.8 percent), benzoic acid (1.9 grains per fluid ounce), menthol, camphor, thymol, pine oil, and water.

It was alleged to be misbranded in that representations in the labeling that it was a modern inhaling treatment of hay fever, sinus pains, catarrhal congestion, and bronchitis; that the benefit of inhaling treatment for helping nature throw off germs was generally recognized by physicians and known by experience to many people; that most sufferers from sinus pains and catarrhal congestion find greatest relief in the application of heat as directly as possible to the affected region and that the article provided the most direct and effective method of applying heat to the affected sinus regions; that most users get relief after the first few inhalations; that in many cases it had helped to reduce the swelling and had assisted nature in draining the congested sinus cavities, thus releasing the pressure on the nerves which cause the pain; that Medovapo inhalations would usually help and generally had been found to be more effective than outside dry heat applications or open steam inhalation; that sore throat, bronchitis, and other similar afflictions from colds had also been treated with Medovapo inhalations to help reduce the swelling, loosen the mucus, and lessen the tightness; that the product offered a convenient, inexpensive means of breathing water-washed, pollen-free, medicated air at any time, wherever one might be; that by using hot water in the inhaler and adding a few drops of Medovapo Inhalant (or one's doctor's prescription) one would enjoy the additional benefits of mild soothing medication and heated vapor, which would have a flushing, cleansing action on the irritated membranes and help nature in eliminating the mucus and make the relief more lasting; that many hay fever sufferers had discovered that it helps greatly to start Medovapo treatment 2 or 3 weeks in advance of the usual hay fever season; that four 10-minute treatments daily during the season generally would keep them comfortable; that even with cold water the device was effective; that in cases where the nasal passages had become so irritated that they were too sensitive for such a mild medication as the Inhalant that hot or cold water might be used, then as the irritation was relieved one drop of the Inhalant might be used and later the amount increased; that it was advisable to use the device at least every night and morning the year round by those who experience symptoms similar to hay fever, because they are allergic to house dust, soap, feathers, and many other things that are in the air all year round; that allergic asthma sufferers had reported that four 10-minute treatments of the device daily would usually leave the passages so free that symptoms were not as severe as to cause any great distress and that the throat tube as well as the usual bulbs were used for this treatment; which representations were false and misleading with reference to the effects of the article in hay fever, disease conditions of the sinus, catarrhal congestion, bronchitis, sore throat, and allergic asthma.

The article was alleged to be misbranded further in that the statement "Contains * * * Acid Benzoic 5 gr. * * * Q. S. 1 ounce" was false and misleading since it contained materially less than 5 grains of benzoic acid per fluid ounce.

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

VAPORIZING DEVICES

183. Misbranding of Jiffy Vaporizer. U. S. v. 27 Packages of Jiffy Vaporizer. Default decree of condemnation and destruction. (F. D. C. No. 1740. Sample No. 14682–E.)

This product consisted of an electrically heated device intended to produce steam. Its labeling bore false and misleading representations regarding its efficacy for the relief of bronchitis, asthma, hay fever, whooping cough, laryngitis, and catarrh; and for purifying the air.

On April 1, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 27 packages of Jiffy Vaporizer at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 23, 1940, by Spielman & Co. from New York, N. Y.; and charging that it was misbranded for the reasons appearing above.

On May 2, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

184. Misbranding of electric vaporizers. U. S. v. 181 Packages of Kaz Electric Vaporizers. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1549. Sample No. 33180–D.)

This product was an electric heating device for producing steam and a bottle of a liquid labeled "Kaz For Colds," consisting essentially of oils of eucalyptus, peppermint, wintergreen, and lavender together with menthol and camphor dissolved in a mineral-oil base. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 29, 1940, the United States attorney for the Northern District of Ohio filed a libel against 181 vaporizers at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 25, 1939, by the Kaz Manufacturing Co. from New York, N. Y.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it was efficacious and effective in the treatment of throat, lung, and nasal congestions including croup, whooping cough, asthma, chest colds, and similar complaints; that it would penetrate the sore, inflamed, and congested membranes of the nose, throat, and chest and carry with it the soothing, beneficial vapors of a scientifically prepared medication combined in correct proportions to give instant relief; and that it would give quick relief to throat and nasal congestions, which were false and misleading since it was not efficacious for the purposes recommended.

On August 21, 1940, the Kaz Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that it be relabeled under the supervision of the Food and Drug Administration.

185. Misbranding of vaporizers. U. S. v. 251 American Electric Vaporizers. Decree ordering product released under bond for relabeling. (F. D. C. No. 1617. Sample No. 3104–E.)

This device consisted of a jar equipped with two electrodes and was intended for the production of vapors. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 12, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 251 vaporizers at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about November 10, 1939, to on or about February 8, 1940, by the American Sundries Co. Inc., from Brooklyn, N. Y.; and charging that it was misbranded.

It was alleged to be misbranded in that its labeling bore representations that it was efficacious as an efficient agency of administration in cases of bronchitis, asthma, whooping cough, laryngitis, and other similar respiratory ailments, that by vaporizing a few drops of pine needle oil it would purify the air in sleeping rooms, living rooms, or in public gathering quarters, which representations were false and misleading since it was not efficacious for the purposes so recommended.

On May 1, 1940, the American Sundries Co., Inc., having admitted the allegations of the libel and having petitioned leave to relabel the device, a decree was entered ordering its release under bond conditioned that it be so relabeled.

186. Misbranding of electric vaporizers. U. S. v. 22 Electric Vaporizers. Default decree of condemnation and destruction. (F. D. C. No. 1618. Sample No. 14301-E.)

This product was a kettle-shaped electric vaporizing device. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 11, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 22 electric vaporizers at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 10, 1940, by the Practical Products Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "The Prak-t-kal Electric Vaporizer."

The device was alleged to be misbranded in that the labeling bore representations that it was a practical road to health; that it was efficacious in the treatment of asthma, bronchitis, laryngitis, and whooping cough; that it would bring prompt relief for asthma and bronchitis; that it would generate healing, medicated vapors, and that these healing vapors would penetrate the throat and nasal passages and relieve congestion from head to chest, which representations were false and misleading since it was not efficacious for the purposes recommended.

On March 30, 1940, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

187. Misbranding of electric vaporizers. U. S. v. 17 Rogers Electric Vaporizers. Default decree of condemnation and destruction. (F. D. C. No. 1363. Sample No. 74442-D.)

This product was an electric device for vaporizing water, the vapor passing over cotton which had been saturated with some medicinal agent. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On January 18, 1940, the United States attorney for the District of Minnesota filed a libel against 17 electric vaporizers at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 9, 1939, by the Rogers Electric Laboratories, Inc., from Cleveland, Ohio; and charging that it was misbranded.

The device was alleged to be misbranded in that the representations in the labeling that it was efficacious in the treatment of bronchitis, pneumonia, influenza, and asthma, were false and misleading since it was not efficacious for such purposes.

On March 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

188. Misbranding of vaporizers. U. S. v. 33 Sterno Vaporizers. Default decree of condemnation and destruction. (F. D. C. No. 1696. Sample Nos. 481-E, 483-E.)

This product was a device designed to vaporize water and other liquids. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 26, 1940, the United States attorney for the Southern District of Florida filed a libel against 33 Sterno Vaporizers at Jacksonville, Fla., alleging the article had been shipped in interstate commerce on or about January 27, and March 1, 1940, by S. Sternau & Co., Inc., from New York, N. Y.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it was efficacious for quick relief for coughs and sore throat, bronchitis, hay fever, whooping cough, catarrh, and asthma; that it was efficacious in the treatment of coughs, grippe, bronchitis, hay fever, sinus, influenza, coughs, sore throat, and related ills; that inhalation is the recognized modern method of scientifically combating inflammation and congestion of the respiratory organs; that the warm vapors would open up the membranes and tissues, permitting the antiseptic, healing ingredients to penetrate quickly and effectively to surfaces not otherwise reached, that such symptoms as coughing, throat irritations, chest congestion or increased body temperature should receive instant attention and that inattention to seemingly slight ills often results in serious future complications and that inhalation would in most cases prevent

further development, which representations were false and misleading since the device was not efficacious for the purposes for which it was so recommended.

On July 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

189. Misbranding of Vapo-Spa Vapor Bath. U. S. v. 20 Retail Packages of Vapo-Spa Vapor Bath. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 1786. Sample No. 1806–E.)

The packages of this product each contained a rubberized cloth garment, a device for producing vapors, a bottle of Vapo-Spa Pine Needle Oil, and circulars. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On April 10, 1940, the United States attorney for the District of Columbia filed a libel against 20 retail packages of Vapo-Spa Vapor Bath at Washington, D. C., alleging that the article had ben shipped in interstate commerce on or about February 10 and March 4, 1940, by the Health-Glo Laboratories, Inc., from New York, N. Y.; and charging that it was misbranded.

Examination of the liquid showed that it consisted essentially of pine-needle oil.

The article was alleged to be misbranded in that its labeling bore representations that it was efficacious as a scientific aid to slenderizing, would stimulate and cleanse respiratory tracts when the vapor was inhaled, and would help to relieve grippe, would aid the vapor to remove bacteria-laden dust carrying millions of unseen micro-organisms picked up by the skin and body every day; that it was a scientific aid to good health, was a new health and beauty sensation which would help to guard the health and keep one physically fit, would reduce over-weight, take inches off the waist, and purify the blood; that the respiratory tracts were reached by the beneficial vapor, and that it would help to relieve insomnia, arthritis, lumbago, and many other ailments, would loosen phlegm, and help break up local congestion in the air passages, and would materially help drive cold germs from the system, congestion from the throat and lungs, and stiffness and soreness from the entire body, were false and misleading since the article would not be efficacious for the purposes recommended.

On May 8, 1940, the Health-Glo Laboratories, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

THERAPEUTIC LAMPS AND HEAT PACKS

190. Misbranding of therapeutic lamps. U. S. v. 12 Therapeutic Lamps with Bulb. Default decree of condemnation and destruction. (F. D. C. No. 1746. Sample No. 437–E.)

This device consisted of an incandescent bulb fitted into a reflector attached to a wooden handle. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 3, 1940, the United States attorney for the Northern District of Georgia filed a libel against 12 therapeutic lamps at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about January 19 and February 7, 1940, by the Rodale Manufacturing Co. from Emaus, Pa.; and charging that it was misbranded.

It was alleged to be misbranded in that its labeling bore representations that it was efficacious in the treatment of colds, headaches, backaches, chest inflammation, rheumatism, lumbago, neuralgia; that its regular application for a few minutes a day would do wonders for the health; that it would invigorate tissue and that once the tissue is exposed to the rays nature itself promotes healing and cures by increased circulation, which representations were false and misleading since it was not efficacious for such purposes.

On April 20, 1940, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

191. Misbranding of infra-red therapeutic lamps. U. S. v. 19 Mastercraft Infra-Red Therapeutic Lamps Type No. 62. Default decree of condemnation and destruction. (F. D. C. No. 1349. Sample Nos. 84842–D, 84843–D.)

This device consisted of a table model reflector lamp fitted with an incandescent bulb. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about January 15, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 19 of the above-named devices at St.

Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 20 and November 25, 1939, by the Northern Electric Co. from Chicago, Ill.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it would help one to fight aches and pains with nature's soothing healing rays from the sun; that from the flaming disk of the sun are cast forth the mysterious infra-red rays without which life on this planet would be impossible; that such rays penetrate deep into the flesh, stimulate the nerves, and cause greatly increased circulatory action which destroys infections, rebuilds diseased tissues, and promotes bodily health and vitality; that the device would be efficacious in the treatment of backache due to weakness or fatigue, bladder trouble, bronchitis, catarrh, eczema, rheumatism, cramps, earaches, hysteria, lumbago, menstrual pains (dysmenorrhea), toothache, pain, neuralgia, neuritis, sleeplessness or insomnia and sciatica; that a catarrhal condition of the bladder would be relieved by a 10-minute application; that the device would afford a very prompt and effective treatment for colds in the head; that congestion would be broken up and inflammation relieved by applying the device to the blood vessels at the back of the head and along the spine; that general body treatments would be useful in stimulating the blood; and that with the application of the device heat rays penetrate down into the tissues, muscles, and even vital organs, bringing comfort and relief, which representations were false and misleading.

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

192. Misbranding of infra-red lamps. U. S. v. 5 Infra-Red Lamps. Default decree of condemnation and destruction. (F. D. C. No. 1343. Sample No. 64982-D.)

This product consisted of a metal goose-neck table model reflector lamp fitted with a heating unit.

On January 12, 1940, the United States attorney for the Southern District of Ohio filed a libel against five infra-red lamps at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about December 28, 1939, by the F. C. Hermann Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "No. 21 Doctorheat Table Model Infra Red Lamp."

It was alleged to be misbranded in that the representations in the labeling regarding its use in the treatment of arthritis, asthma, boils, bronchitis, cold in chest, cold in head, earache, influenza, insomnia, neuritis, painful menstruation, pleurisy, pneumonia, sinus trouble, and sore throat, were false and misleading since the said article would have no therapeutic value beyond that produced by its warming effect and would not constitute an adequate treatment for the disease conditions named.

On March 15, 1940, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

193. Misbranding of infra-red ray lamps. U. S. v. 95 Infra-Red Ray Lamps. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1347. Sample No. 46744-D.)

This product was a table model lamp fitted with a heating element. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On January 17, 1940, the United States attorney for the Northern District of Illinois filed a libel against 95 infra-red ray lamps at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 20, 1939, from St. Louis, Mo., by the Knapp Monarch Co.; and charging that it was misbranded. It was labeled in part: "No. L-11-9 Modern Infra Red Ray Lamp."

It was alleged to be misbranded in that the labeling bore representations that the infra-red rays would penetrate deeply under the surface of the skin, forming heat units which would cause an excess accumulation of blood—this action being known as hyperemia; that it would produce beneficial chemical changes, increase nutrition, and cause the white corpuscles to destroy any microbes which might be present; that by producing hyperemia through the use of the infra-red rays, nature would be aided in the natural curative powers which reside in the blood; that daily repetition of the treatments would tend to restore normal conditions gradually; that the circulation of the skin would become more ac-

tive and the amount of the blood in the over-burdened internal organs would be diminished as the vital resistance of the tissues was increased; that catarrhs of the stomach and intestines would tend to disappear, the digestive secretions would resume their normal functioning, and the liver, adrenals, lymphatic glands, and other poison-destroying organs would again become effective; that infra-red rays would hasten the disappearance of fat by oxidation of excess tissue; that they were of great value in the treatment of organic or functional heart disease because from one-third to one-half of the entire volume of blood could be stored in the capillary system, thereby relieving the heart of its hardest work; that women experiencing trouble at menstruation would find comforting relief by using infra-red rays; that it was beneficial for abscesses or boils, angina pectoris, asthma, biliousness, bronchitis, colds, earache, felon, gangrene, stomach disturbances, heart disease, infections, insomnia, itch, kidney diseases, laryngitis, liver diseases, lumbago, muscle diseases, delayed or painful menstruation, rheumatism, sciatica, gout, neuralgia, neuritis, sinus trouble, sprains, sore throat, stiff neck, swollen glands, ulcers, and wounds, that infra-red rays were also beneficial for inflammation of the gall bladder, inflammation of the bladder, pus in the pleural cavities, hysteria, nervous diseases, inflammation of the ovaries, inflammation of the bone membranes, inflammation of veins, inflammation of the fallopian tubes, septicemia, and inflammation of joints, which representations were false and misleading.

On January 31, 1940, the claimant, the Knapp Monarch Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the purpose of relabeling in accordance with the provisions of the law.

194. Misbranding of therapeutic lamps. U. S. v. 144 Relievo Therapeutic Lamps. Decree of condemnation. Product released under bond. (F. D. C. No. 1479. Sample No. 77737–D.)

This device was a table model lamp equipped with an incandescent heating element. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 8, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 144 therapeutic lamps at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 21 and December 7, 1939, from New York, N. Y., by the Kas-Kel Electric Co., Inc.; and charging that it was misbranded.

The device was alleged to be misbranded in that representations in its labeling that it would relieve pain, rheumatism, lumbago, earache, deep-seated pains, mental and physical fatigue; that its penetrating rays would relieve congestion and the healing heat would take out the sore spots; that it would produce health-giving rays; that it would penetrate the tissues and tone up the whole system, and assist in throwing off constitutional troubles; that it would invigorate the tissues, and that once the tissues were exposed to the rays nature itself would promote healing and cure by increased circulation, were false and misleading as applied to a table model lamp equipped with an incandescent heating element.

On February 16, 1940, judgment of condemnation was entered and the product was ordered released to the claimant, the Kas-Kel Electric Co., Inc., under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

195. Misbranding of therapeutic lamps. U. S. v. 65 Therapeutic Lamps. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1536. Sample No. 56348–D.)

This device consisted of an incandescent bulb screwed into a goose-neck table type lamp. Its labeling bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On February 27, 1940, the United States attorney for the Northern District of California filed a libel against 65 therapeutic lamps at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 16 and December 16, 1939, by the Eagle Electric Manufacturing Co. from Brooklyn, N. Y.; and charging that it was misbranded. It was labeled in part: "No. 357 Table Type Therapeutic Lamp."

The device was alleged to be misbranded in that its labeling bore representations that it was efficacious in the treatment of abscess, colds, backache, lumbago, neuritis, neuralgia, rheumatism, all pains caused by indigestion; that

it would quickly relieve pain and discomfort of sore throat; that the light not only affected the surface but would reach the deep-seated pain affording relief in spinal or rectal irritation; and that application to the spine and back of neck would relieve the effects of mental or physical fatigue and would stop the pain of stiff neck, boils, carbuncles, ulcers and abscesses, etc., which representations were false and misleading since it was not efficacious for the purposes recommended.

On April 4, 1940, the Eagle Electric Manufacturing Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond on condition that it be relabeled to comply with the provisions of law.

196. Misbranding of heat and light applicators. U. S. v. 5 Thermolite Heat and Light Applicators. Default decree of condemnation and destruction. (F. D. C. No. 1566. Sample No. 77196–D.)

This device consisted of an incandescent electric bulb inserted into a socket and equipped with a parabolic mirror reflector. Its labeling fore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 4, 1940, the United States attorney for the Eastern District of Virginia filed a libel against five heat and light applicators at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about January 18, 1940, by H. G. McFaddin & Co., Inc., from New York, N. Y.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it was efficacious for relief of almost any pain, sprains, bruises, neuralgia, lumbago, rheumatism, neuritis, stomach and abdominal pains, backache, constipation, headache, head and chest colds, affections of the ear, ulcerations, and burns; that it would cause colds and congestion in the head to yield readily; that an application on the spine upon retiring would usually induce slumber; that sunlight is nature's best stimulant for vitality, and that the rays of the device were "sunlike"; that it would promote the growth of hair and improve its appearance by stimulating the circulation, thus nourishing the roots in the scalp; that it was the best first aid, would relive pain and discomfort of sore throat, laryngitis, inflamed breast, ovarian neuralgia, menstrual irregularities, cramps, etc.; that the therapeutic value of radiant heat was greatly enhanced by its combination with radiant light and would reach deep-seated pain and afford relief in spinal or renal irritation, bruises, backache, lumbago, sciatica, and many other complaints; that it would relieve nervous tension of spine and nerve centers and induce restful sleep and would relieve aching arches, earache, and head colds by its deep penetrating heat, which representations were false and misleading since the device would not be efficacious for the purposes recommended.

On May 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

197. Misbranding of heat and light applicator. U. S. v. 15 Heat and Light Applicators. Default decree entered. Product ordered delivered to charitable institutions. (F. D. C. No. 1485. Sample No. 86167–D.)

This device consisted of an electric lamp inserted in a socket fitted with a metal reflector. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about February 16, 1940, the United States attorney for the District of Connecticut filed a libel against 15 heat and light applicators at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about September 11, 1939, by the Varick Electric Manufacturing Co., Inc., from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Varicure Heat and Light Applicator."

The device was alleged to be misbranded in that its labeling bore representations that its use was effective in the treatment of abscess, backache, colds, earache, eczema, lumbago, neuritis, neuralgia, rheumatism, skin diseases, and all pains caused by congestion and poor circulation; that for the hair, sunlight is nature's best stimulant for vitality, and that the sunlike rays of the device would promote its growth and improve its appearance by stimulating the circulation, thus nourishing the hair and scalp; and that it was beneficial in the treatment of any ailment, which representations were false and misleading since the device was not efficacious for the purposes recommended.

On April 26, 1940, no claimant having appeared, judgment was entered ordering distribution of the article to charitable institutions and destruction of the circulars which accompanied it.

198. Misbranding of heat packs. U. S. v. 20 Packages of Wonder Heat Packs. Default decree of condemnation and destruction. (F. D. C. No. 1705. Sample No. 14302–E.)

This product consisted essentially of a bag containing chemicals which would produce heat when moistened with water. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 25, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 20 Wonder Heat Packs at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 20 and February 3, 1940, from Chicago, Ill., by the Wonder Heat-Pack Co.; and charging that it was misbranded.

It was alleged to be misbranded in that the representations in the labeling that it was efficacious in the treatment of colds, colic, cramps, sprains, lumbago, neuritis, pleurisy, neuralgia, bronchitis, pneumonia, infections, toothache, rheumatism, inflammation, muscle soreness, and poor circulation, were false and misleading since it was not efficacious for the purposes recommended.

On April 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

ELECTRIC VIBRATORS

199. Misbranding of vibrators. U. S. v. 7 Beautysage Vibrators. Default decree of condemnation and destruction. (F. D. C. No. 1521. Sample No. 61887–D.)

This device consisted of an electric vibrator fitted with three differently shaped rubber appliances. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 26, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against seven vibrators at New Orleans, La., alleging the article had been shipped in interstate commerce on or about January 18, 1940, by the Beauty Appliance Corporation from Racine, Wis.; and charging that it was misbranded.

The article was alleged to be misbranded in that its labeling bore representations that it would assist nature in stimulating the minute blood vessels, help to force blood through the tissues, and instill new life into the nerves; that the exercise and stimulation of the device would maintain the firm contours of face and figure with its gentle, massaging action; that it would check falling of dry and brittle hair and stimulate new growth; that the tingling action of the prong applicator would excite and energize the tiny cells, increase nutrition to roots of the hair and restore vigor and strength; that it would be efficacious in the treatment of aches, pains, neuralgia, earache, lumbago, fatigue, sprains, stiffness, and other ailments; that impaired circulation of blood and lymph affects the muscular and nervous system and causes many of our common body ills; that the daily use of the device would hasten the flow of blood, assist in building up a run-down condition and would carry away waste, restore new life and vigor; that the said device would heal; that it was an aid for almost every imaginable ailment, would keep the body in good working order, and would restore youthful contours to face and figure; that it was an indispensable aid; and would relieve tired nerves and muscles; would restore vigor and vitality to any part of the body; and that it would increase circulation, would eradicate dandruff, would help to build new tissue and would relieve tired muscles, fatigue, kinks in the back, and other ailments usually caused by poor circulation, or cramped position of nerves, which representations were false and misleading since the said device was not efficacious for the purposes recommended.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the device was ordered destroyed.

200. Misbranding of vibrators. U. S. v. 11 Vibrators. Default decree of condemnation and destruction. (F. D. C. No. 1752. Sample No. 1804.)

This article was an electric vibrator fitted with several attachments. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 4, 1940, the United States attorney for the District of Columbia filed a libel against 11 vibrators at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about October 12, 1939, by the Bersted Manufacturing Co. from Fostoria, Ohio; and charging that it was misbranded. The article was labeled in part: "Bersted's Eskimo * * * Vibrator."

It was alleged to be misbranded in that the representations in the labeling that it would enable one to vibrate one's way to health and beauty; that it was efficacious for sore muscles, for complexion, headaches, rheumatism, and constipation; that it would be helpful in conditions where increased circulation and stimulation of the nerves would cause curative action; that its strong vibratory action penetrated very deeply into the parts under treatment; that it was efficacious for sore muscles, neuralgia, blackheads, obesity, insomnia, headaches, nervousness, double chin, wrinkles, sagging muscles, acute rheumatism; that lifeless skin and sagging facial muscles could be improved by massaging two or three minutes each day by working from the chin up and from the mouth toward the ears using a rotary motion; and that for double chin the sponge applicator should be used three minutes at a time working upward from the base of the neck towards the ears, never downward, were false and misleading in that the said statements represented that the device was efficacious for the purposes for which it was recommended; whereas it was not efficacious for such purposes.

On May 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

201. Misbranding of vibrators. U. S. v. 24 Electric Vibrators. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1503. Sample No. 68476–D.)

This device was an electric vibrator with three attachments consisting of a button, a rubber cup, and a rubber brush. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 19, 1940, the United States attorney for the Southern District of New York filed a libel against 24 electric vibrators at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6, 1940, by the A. C. Gilbert Co. from New Haven, Conn.; and charging that it was misbranded. It was labeled in part "Gilbert Vibrator."

It was alleged to be misbranded in that the representations in the labeling that it would restore health, was efficacious for the relief of rheumatism resulting from blood congestion; that it would be efficacious for indigestion and constipation; would cleanse the pores of the skin; would help one attain blemish-free complexions; would be efficacious for headaches, insomnia, nervousness, neuralgia, obesity; that it would be efficacious in developing the bust; that it would overcome thin brittle hair caused by the failure of the natural oils to function properly; that it was beneficial for double chin and wrinkles, that it would build one up and keep one up; that if used regularly, it would renew the youthful suppleness of body, clear the waste matter and dead cells from the blood, stimulate the circulation and bring the bloom of youth to the cheeks; that it was efficacious in the treatment of many common diseases and ailments; that a longer treatment, pressing lightly with the vibrator was required in nervousness, sleeplessness, and obesity, which treatment would soothe while the shorter, harder treatment would stimulate; that it was ideal for reducing and would restore health, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On March 29, 1940, the A. C. Gilbert Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the article was ordered released under bond on condition that the labels, circulars, and tags be destroyed, and that those which were in compliance with the law be substituted.

202. Misbranding of electric vibrators. U. S. v. 63 Vibrators. Decree of condemnation and order for release of product under bond for relabeling. (F. D. C. No. 1477. Sample No. 61308–D.)

This device was an electric vibrator, with various attachments, intended to apply mechanical vibration to the body. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 9, 1940, the United States attorney for the Southern District of Texas filed a libel against 63 vibrators at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about December 10 and December 22, 1939, by the Vidrio Products Corporation from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Mastercraft Two Speed Electric Vibrator."

The device was alleged to be misbranded in that the labeling bore representations that it was efficacious for indigestion, constipation, baldness, bruises

and sprains, blackheads, neuralgia, head colds, sciatica pains, head pains, eyestrain, sleeplessness, double chin, acute rheumatism, and wrinkles; that it would cleanse the skin, reduce weight, reduce swelling, and stimulate blood circulation, that for wrinkles the affected parts should be massaged once a day for 3 minutes, which would strengthen muscles, stimulate blood circulation, and invigorate sluggish tissue; that for double chin, one should massage from shoulders and breast bones upward to point of chin, never downward, for 3 minutes at a time two or three times a day; that it would eliminate dandruff, would be efficacious in the treatment of rheumatism, headache, nervousness, insomnia and obesity, and would develop the bust, which representations were false and misleading since it was not efficacious for the purposes recommended.

On June 1, 1940, the claimant, the Walgreen Co., Houston Tex., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that it be properly relabeled.

"HEALTH FOODS"

203. Misbranding of Grandma's Cocoanut Bars. U. S. v. 30 Cartons of Grandma's Cocoanut Bars. Default decree of condemnation and destruction. (F. D. C. No. 1138. Sample No. 83933–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On December 5, 1939, the United States attorney for the Western District of Washington filed a libel against 30 cartons of Grandma's Cocoanut Bars at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 15 and 18, 1939, from Portland, Oreg., by Grandma Cookie Co.; and charging that it was misbranded.

The article was alleged to be misbranded in that representations in the labeling that it was nature's aid to digestion and general health and was an unsurpassed bone-building delicacy which children all love, were false and misleading since the article was not efficacious for the purposes recommended.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 52.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

204. Misbranding of honey. U. S. v. 237 Jars of Honey. Default decree of condemnation and destruction. (F. D. C. No. 1412. Sample No. 88943–D.)

This product was displayed for sale on a table in the establishment of the dealer. The jars were labeled in part: "El Aguinaldo Cuban Wonder Honey." Accompanying the article was further labeling consisting of a display card and a number of pamphlets stacked on the table for distribution. This labeling contained false and misleading representations regarding the article and its efficacy in the conditions indicated below.

On February 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 237 various-sized jars of honey at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about December 11, 1939, by Cuban Health Products, and in part on or about January 18, 1940, by Cuban Honey, Inc., both lots from Lansing, Mich.; and charging that it was misbranded.

The article was alleged to be misbranded in that the labeling of the 96-ounce jars bore the word "Health" and that accompanying all sizes bore representations that carbohydrates in this form (honey) mean "pep" and pep means "a better you"; that it contained many of the necessary salts; that it had been clinically tested, and that such tests had been carried on in cases of bronchial asthma and bronchitis under the care of reputable physicians; that it had been found to be a desirable food supplement to a bland diet in cases of stomach ulcers and other digestive disorders; that the contents of the stomach had been examined at specific intervals and X-rays taken and that all cases showed much greater improvement when El Aguinaldo Cuban Honey was a part of the diet than without it; that the diets used tended to relieve discomfort, increase vitality, improve the appetite and provide a mild laxative and that as the use of the article is new to some the user should write for information regarding these clinical cases; that it was recommended by many physicians; that it was very beneficial in different digestive disorders which retard assimilation in general; that it had been used with wonderful effects; that it had been used in various types of illness with very pleasing results in many cases; that it would do everything for which it was recommended; that the article would be

efficacious as a palliative for local irritations of nose and throat associated with coughs, colds, asthma, and bronchitis; that for sinus and hay fever it should be diluted with water and used as a nasal spray and should be taken internally 1 or 2 teaspoonfuls one-half hour before meals and before retiring; that in stomach ulcers where a soft bland diet would be prescribed it should be used as a special-purpose food; that it was efficacious for asthma, bronchitis, coughs, colds, asthmatic cough, cough resulting from bronchial pneumonia, sinus conditions, positive ulcer, stomach distress, and lack of strength and pep, which representations in the labeling were false and misleading since the article was not efficacious for the purposes recommended.

On March 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered to be turned over to a hospital for food purposes only. On March 12, 1940 this order was vacated and the product was ordered destroyed.

MINERAL WATERS

205. Misbranding of Shivar Spring Water. U. S. v. 39 Carboys of Shivar Spring Water. Default decree of condemnation and destruction. (F. D. C. No. 1253. Sample No. 87460–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On January 3, 1940, the United States attorney for the Western District of North Carolina filed a libel against 39 carboys of Shivar Spring Water at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about November 24, 1939, by Shivar Springs, Inc., from Shelton, S. C.; and charging that it was misbranded.

Analysis showed that the article was a slightly mineralized, slightly alkaline water containing less than one-half of 1 percent of inorganic salts consisting mainly of calcium and sodium sulfates, chlorides, and bicarbonates.

The article was alleged to be misbranded in that its labeling bore representations that two or three glasses (a pint or more) of the article taken in the morning at least 30 minutes before breakfast would dissolve and wash away any catarrhal mucus, would cleanse the stomach and bowel and prepare them for food and would also flush the kidneys, help to wash out impurities of the blood which may have accumulated during the night and cleanse and refresh the system; that a glass with each meal sipped slowly as one ate would aid poor appetite and poor stomach; that patrons had reported special benefits, in cases of dyspepsia and indigestion, from drinking the water hot before meals, that the heat would stimulate the stomach and the alkaline water would dissolve and wash away the catarrhal mucus; that in cases of functional disorder of the kidneys and bladder it might be found necessary, temporarily, to use the water less frequently than recommended; that the article was mildly laxative but in cases of obstinate constipation a teaspoonful of Rochelle salts dissolved in a glass of the water should be taken 30 minutes before breakfast and repeated every second or third morning as necessary until the bowels act regularly, which representations were false and misleading since the article was not efficacious for the purposes for which it was recommended in the said statements.

On February 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

206. Misbranding of Robinson Spring Water. U. S. v. 92 Cases and 43 Cases of Robinson Spring Water. Decrees of condemnation. On lot ordered released under bond to be relabeled. Remaining lot ordered destroyed. (F. D. C. Nos. 512, 513. Sample Nos. 54577–D, 66050–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On August 26 and 30, 1939, the United States attorneys for the Eastern District of Michigan and the Southern District of Florida filed libels against 92 cases of Robinson Spring Water at Detroit, Mich., and 43 cases of the same product at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about July 26 and August 2, 1939, by the Robinson Spring Water Co. from Jackson, Miss.; and charging that it was misbranded.

Analyses showed that the article was a lightly mineralized water, the mineral matter of which consisted chiefly of common salt (sodium chloride), Glauber's salt (sodium sulfate), gypsum (calcium sulfate), and Epsom salt (magnesium sulfate). It contained less dissolved mineral matter than the water supply of a number of cities in this country.

Misbranding was alleged in that the representation in the labeling that the article was a natural diuretic eliminant water used in treating diabetes and kidney and bladder trouble, was false and misleading since it was not efficacious for the purposes so recommended.

On September 15, 1939, the Robinson Spring Water Co., Michigan distributors, Detroit, Mich., having appeared as claimant for the lot seized at Detroit, Mich., and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled. On June 25, 1940, an answer having been filed in the Southern District of Florida admitting the allegations of the libel, judgment of condemnation was entered and the product in that district was ordered destroyed.

207. Misbranding of Rogers' Mineral Extract. U. S. v. 12 Bottles of Rogers' Mineral Extract. Default decree of condemnation and destruction. (F. D. C. No. 1606. Sample No. 61879–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions mentioned below.

On March 12, 1940, the United States attorney for the Southern District of Mississippi filed a libel against 12 bottles of Rogers' Mineral Extract at Perkinston, Miss., alleging that the article had been shipped in interstate commerce on or about January 25, 1940, by the Rogers Mineral Co. from Cullomburg, Ala.; and charging that it was misbranded.

Analysis showed that the article was a water solution containing approximately 6 percent of mineral matter, mainly iron, aluminum, and sodium sulfates.

It was alleged to be misbranded in that its labeling bore representations that it was efficacious in the treatment of indigestion, hemorrhage of lungs, early stages of consumption, diarrhoea, dysentery or any bowel trouble, pellagra, rheumatism, sores, inactive liver, ulcerated stomach, liver and kidney trouble, flux and other spring and summer diseases, early stages of eczema, burns, backache and general weakness, "T. B. of the bone," skin diseases, that it was a malarial preventative; that it was a natural remedy and purifier which cooperated with the blood system and action of the body in such way that it would give nature an opportunity to build back and restore to the body that which it had lost; that water would dilute the strong destructive acids in all parts of the body, and prepare the way for the product to follow with its healing power; that it was a natural iron tonic for the special purpose of regulating the appetite and causing the food to be assimilated; that it was a general remedy for internal and external use on man or beast; that it was a splendid blood purifier; was nature's remedy; that it would purify the blood and remove pimples from the face; that it was "nature's remedy when one is out of repair and needs treatment"; that it should be poured freely into the hog and chicken troughs for cholera and as a cholera preventative; and was efficacious for sorehead on chickens, which representations were false and misleading since the article was not efficacious for the purposes for which it was recommended.

On June 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

VETERINARY REMEDIES [3]

208. Misbranding of Acme Worm Bouncer. U. S. v. 5 Bags of Acme Worm Bouncer. Default decree of condemnation and destruction. (F. D. C. No. 1419. Sample Nos. 46759–D, 49709–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 2, 1940, the United States attorney for the Western District of Wisconsin filed a libel against five bags of Acme Worm Bouncer at Monroe, Wis., alleging that the article had been shipped in interstate commerce on or about November 28, 1939, and January 9, 1940, by Acme Feeds, Inc., from Forest Park, Ill.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of charcoal, sulfur, iron oxide, iron sulfate. salt, sodium sulfate, and a small proportion of Epsom salt.

The article was alleged to be misbranded in that the labeling bore representations that it was a "worm bouncer," that no drenching, dosing, handling, or

[3] See also N. J. Nos. 172 and 207.

starving were required, that it should be kept before pigs at all times to prevent reinfestation; that it was the only worm expeller on the market successfully fed in self-feeders; that chicks should be wormed when they are 8 weeks old, that 1 pound of the article should be used with every 100 pounds of Acme Growing Mash; that the birds should be kept confined in a separate house during treatment so that they could not pollute the yard with worm eggs and thus infest the other flocks; that if the birds are wormed too late the worms have a chance to develop and mature their eggs which would pass out and reinfest the birds before they recover from the first worming; that it should be used as a general worm treatment for laying flocks and if the flock is extremely wormy; that it would be efficacious for sheep and lambs that are in bad or unthrifty condition; that they should have free access to the article and that it would help to prevent scours and bloat; that a handful three times a day should be given to horses and colts until the worms were expelled and thereafter a handful should be given each day to keep the horses in good condition; and that it would be efficacious to remove the cause and would expel and prevent free intestinal worms and 90 percent of disease, which representations were false and misleading.

On March 12, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

209. Misbranding of Dry Dip. U. S. v. Fourteen 25-Pound Pails of Dry Dip. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1131. Sample No. 55889–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On January 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against fourteen 25-pound pails of "A Remedy Erroneously Sometimes Called Dry Dip" at Sterling, Ill., alleging that the article was transported in interstate commerce on or about August 18, 1939, by the German Laboratories from Cedar Rapids, Iowa; and charging that it was misbranded.

Analysis showed that it consisted chiefly of calcium carbonate and iron compounds, containing creosote oil, phenols, and small amounts of nicotine, naphthalene, and siliceous material.

The article was alleged to be misbranded in that representations in the labeling that it was a remedy for combating flu germs in livestock; that when the hogs rake their bedding together they pile up, that then the inner hog gets too warm and goes outside to eat and catches cold, and that flu thus develops; that if the remedy were sprinkled in the hog bedding they would not pile up, and that it was an efficacious flu remedy for hogs, horses, cattle and poultry, were false and misleading, since it would not act as an effective remedy for combating flu germs in livestock or in poultry when used as directed.

The article also was alleged to be misbranded under the Insecticide Act of 1910, as reported in notices of judgment published under that act.

On June 3, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

210. Misbranding of Koxy-Ton. U. S. v. Five 1-Gallon Containers, 10 Half-Gallon Containers, and 3 One-Fourth Gallon Containers of Koxy-Ton. Default decree of condemnation and destruction. (F. D. C. No. 1761. Sample No. 5893–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On April 12, 1940, the United States attorney for the Southern District of Indiana filed a libel (amended June 7, 1940) against the above quantities of Koxy-Ton at Sullivan, Ind., alleging that the article had been shipped in interstate commerce on or about June 10, 1939, by the Kilz-Jerm Laboratory from West Toledo, Ohio; and charging that it was misbranded.

Analysis showed that the article consisted essentially of magnesium sulfate, catechu, acetic acid, and water.

The article was alleged to be misbranded in that its labeling bore representations that it constituted a properly balanced product for use in the prevention and treatment of coccidiosis in poultry; that coccidiosis may occur at any time when chicks are 1 week to 4 months old or may be found in chronic form in older birds; that the product should be fed at regular intervals each week according to directions as a preventative and that a careful program might

save many dollars already invested in chicks and feed; that special care should be taken during treatment that no other source of drinking water be available as this would reduce the amount of the drug the birds would drink and best results would not be obtained; that one tablespoonful of the product to each gallon of drinking water should be given 2 or 3 days each week as a preventative; that where coccidiosis is suspected or active one or two ounces of the product to each gallon of drinking water should be administered until all symptoms of disease are gone; that then directions for prevention should be followed to help avoid a reinfestation; that where coccidiosis in chronic form is suspected 1 ounce of the product should be used to each gallon of drinking water, 2 or 3 days each week and that for turkeys the same proportion should be used as for chickens, which representations were false and misleading since the article was not efficacious for the purposes so recommended.

On June 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

211. Misbranding of Luseaux Duo-Purpose Flock Treatment and Luseaux Duo-Purpose Tablets. U. S. v. 9 Packages and 14 Packages of Luseaux Duo-Purpose Flock Treatment, et al. Default decree of condemnation and destruction. (F. D. C. Nos. 462, 463, 464. Sample Nos. 57071–D, 57072–D, 64420–D.)

The labeling of these products bore false and misleading representations regarding their efficacy in the conditions indicated hereinafter.

On August 22, 1939, the United States attorney for the Western District of Washington filed a libel against 82 packages of the above-named products at Bothell, Wash., alleging that the articles had been shipped in interstate commerce by Luseaux Laboratories in part on or about November 25, 1938, from Los Angeles, Calif., and in part on or about May 10, 1939, from Gardena, Calif.; and charging that they were misbranded.

Analysis showed that the articles were of substantially the same composition and consisted essentially of nicotine alkaloid, copper oxide, copper carbonate, and kamala, with inert ingredients.

The articles were alleged to be misbranded in that representations that they were efficacious as treatments for common tapeworms, were efficacious for the treatment and control of both tapeworms and roundworms in poultry, that tapeworm control is not as easy as giving a single treatment, that regular and systematic combating is imperative when tapeworms are known to infest birds, their houses, and runs and that portion of the design consisting of segmented tapeworms, appearing in the labeling of both products and the representation that it is impossible with a single treatment to dislodge all attached tapeworm heads in the labeling of the Flock Treatment, were false and misleading.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

212. Misbranding of Pratt's Hog Powder. U. S. v. Forty-six 3-Pound Packages and Thirty-four 7-Pound Packages of Pratt's Hog Powder. Default decree of condemnation and destruction. (F. D. C. No. 1364. Sample No. 78453–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about January 20, 1940, the United States attorney for the Western District of Virginia filed a libel against the above-named quantities of Pratt's Hog Powder at Harrisonburg, Va., consigned by the Pratt Food Co., Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 1, 1939, from Philadelphia, Pa.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of dried sodium sulfate (dried Glauber's salt, approximately 62 percent), bone meal, charcoal (approximately 10 percent), sulfur (approximately 9.5 percent), small proportions of American wormseed, a trace of quassia, iron sulfate (approximately 2.3 percent), and small amounts of copper, manganese, and iodine compounds. In addition, the product in the 3-pound packages contained traces (less than 0.001 percent each) of nickel and cobalt compounds.

Misbranding was alleged in that the package bore representations that the article should be used in the treatment of worms twice a month by forced feeding and that it would help expel many large roundworms, which representations were false and misleading in that the article would not be efficacious for such purposes.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

213. Misbranding of Sananize. U. S. v. Two 5-Gallon Cans and Sixteen 2-Gallon Cans of Sananize. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1301. Sample No. 79708–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about January 19, 1940, the United States attorney for the Northern District of Illinois filed a libel against two 5-gallon cans and sixteen 2-gallon cans of Sananize at Freeport, Ill., alleging that the article had been shipped in interstate commerce on or about August 19, 1939, by the Farm Sananize Manufacturing Co. from Sibley, Iowa; and charging that it was misbranded.

Analysis of samples showed that the product consisted essentially of coal-tar naphtha and mineral oil, with small amounts of phenolic bodies and formaldehyde. No lime-sulfur was present and no iodine was detected. The product was not miscible in water.

The article was alleged to be misbranded in that its labeling bore representations that it would immunize poultry, hog and farm buildings from diseases, that chickens would inhale the odor which would help to keep them in good condition; that it would prevent hog flu, necro, cholera, leucemia, roup, tuberculosis, etc.; that for hog flu, coughs and colds the hogs should be put in a small space and sprayed lightly to help keep germs out of herd; that hogs should be sprayed thoroughly for mange and scurf; that by sanatizing before the herd becomes ailing 75 to 90 percent of losses could be avoided; that hog flu pneumonia could be stopped in two or three evenings, mange and scurf cleaned from hogs in 2 weeks, that necro germs and any germs would be wiped out by Sananize; that it would keep the nostrils of poultry open; that croup, bronchitis, diphtheria and any ailments caused by colds can be stopped and prevented with Sananize in 2 to 4 days; that it would prevent sleeping sickness and other horse diseases; that it was commonly known or believed that prussic acid poison starts sleeping sickness which is then carried from a sick animal to others by flies, which representations were false and misleading, since the article would not be efficacious for the purposes recommended.

The article also was alleged to be misbranded under the Insecticide Act of 1910, as reported in notices of judgment published under that act.

On June 3, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

MISCELLANEOUS DRUGS AND DEVICES

214. Misbranding of Diaplex. U. S. v. 32 Cartons, 29 Cartons, and 94 Packages of "Diaplex A Variety of Saltbush." Decrees of condemnation. Portion of product ordered destroyed. Remainder ordered released under bond for relabeling. (F. D. C. Nos. 1552, 1626, 1679. Sample Nos. 2649–D, 73520–D, 6322–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On March 5, 14, and 22, 1940, the United States attorneys for the Northern District of California, the Western District of Washington, and the District of Idaho filed libels against 32 cartons of Diaplex at San Francisco, Calif., 29 cartons of the product at Seattle, Wash., and 94 packages at Boise, Idaho, alleging that the article had been shipped in interstate commerce within the period from on or about October 23, 1939, to on or about March 7, 1940, by the Diaplex Laboratories from Denver, Colo.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of plant material including stem and leaf tissues.

Misbranding was alleged in that the labeling in all shipments bore directions that 2 or 3 heaping tablespoonfuls of the product be used in each pint of water, that it be brought to a boil or percolate for 10 minutes, and that it should be served hot; and representations that it was efficacious in diabetes, that the diabetic patient should drink at least 2 quarts daily for from 3 to 9 months, that such use should produce amazing results as indicated by daily urine tests; that persons using the product should make urine tests daily and that as the pancreas increased its normal function the amount of insulin should be reduced to avoid insulin reaction; that only enough insulin should be used to take care of the surplus sugar and that eventually insulin could be eliminated entirely; that the article should be used until the patient was well and strong; that persons who have never used insulin or whose blood sugar does not test over 140 mg. per 100 cc. of blood or not in coma would find it unnecessary to do so and that the only thing required was to adhere to a good diabetic diet and drink 2 quarts daily of the product to produce the grand activity of good

health and vigor; and the labeling in one shipment contained the further representations that the article would improve the condition of the heart and appendix, would induce good sleep, eliminate pain in the liver; would be efficacious in the treatment of cardiac rheumatism, bloating of the stomach, constant belching, diabetic gangrene, would aid one in gaining weight, aid the digestion, benefit the kidneys, induce sleep and eliminate gangrenous infection in the feet, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On April 2 and May 29, 1940, no claimant having appeared for the lots seized at San Francisco, Calif., and Seattle, Wash., judgments of condemnation were entered and the two lots ordered destroyed. On May 10, 1940, Henry Legler, Boise, Idaho, claimant for the lot seized at Boise, Idaho, having consented to the entry of a decree, judgment of condemnation was entered and the said lot was ordered released under bond, conditioned that it be relabeled in compliance with the law.

215. Adulteration and misbranding of Germ-I-Tabs. U. S. v. 1½ Dozen Boxes of Germ-I-Tabs. Default decree of condemnation and destruction. (F. D. C. No. 1915. Sample No. 6325–E.)

The labeling of this product bore false and misleading representations regarding its antiseptic and germicidal properties and its efficacy in the treatment of the conditions indicated below.

On May 18, 1940, the United States attorney for the District of Montana filed a libel against 1½ dozen boxes of Germ-I-Tabs at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about January 3, 1940, by Esteys, Inc., from Seattle, Wash.; and charging that it was adulterated and misbranded.

Analysis showed that it consisted of tablets containing starch and 22.40 percent of sodium paratoluenesulfonchloramide (chloramine-T). Bacteriological tests showed that it was not an antiseptic or germicide in the dilutions recommended.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely, "Antiseptic."

Misbranding was alleged in that the labeling bore representations that it was an antiseptic and would prevent infection; that it was the modern antiseptic for professional and home use; that it was a convenient means of always having an ample supply of an effective germicide, antiseptic, and personal deodorant; was very effective in destroying objectionable germs; that it would retain its strength in ordinary stoppered bottles over a period of many months; that it was advisable to make up a solution by dissolving one tablet in a small bottle of water and that when only a small amount of the solution was needed enough water should be added to make the strength desired, which method was especially recommended in the home or shop where solutions are frequently used for treatment of cuts, scratches, or for a mouthwash or gargle; that it was efficacious in the treatment of acne (pimples), etc., which representations were false and misleading since the article was not efficacious for the diseases and conditions so stated in the labeling.

On July 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

216. Misbranding of Parker's Hair Balsam. U. S. v. 19 Dozen Retail Packages of Parker's Hair Balsam. Default decree of condemnation and destruction. (F. D. C. No. 1832. Sample No. 174–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 18, 1940, the United States attorney for the Northern District of Georgia filed a libel against 19 dozen packages of Parker's Hair Balsam at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about August 26, 1939, and January 27, 1940, by Hiscox Chemical Works from Patchogue, N. Y.; and charging that it was misbranded.

Analysis showed that it consisted essentially of lead acetate, sulfur, water, and glycerin, together with perfume materials.

The article was alleged to be misbranded in that the labeling contained representations that baldness is only a question of time unless means be taken at once to arrest the decay of the root [of the hair], or to restore the scalp to its proper condition of softness and cleanliness and that the hair would not only fall out, but the bulbs themselves would become atrophied and in-

capable of producing hair, that in order to prevent the hair from falling out or becoming harsh and brittle, it is very necessary to keep the scalp free from dandruff scales and in a soft and pliant condition, that the said article would be found helpful for this purpose; that it would supply the requisite moisture to the scalp and hair and would enable one to avoid premature grayness or loss of hair by giving the scalp care and attention, that it would promote a condition favorable to hair growth and that if the hair or scalp was in a bad condition the said article was just what was needed, which representations were false and misleading.

On May 13, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

217. Misbranding of Axine Plates. U. S. v. 19 Sets of a device called Axine. Default decree of condemnation and destruction. (F. D. C. No. 825. Sample No. 72023–D.)

The labeling of this product bore false and misleading representations as indicated hereinafter.

On or about November 9, 1939, the United States attorney for the Western District of Missouri filed a libel against 19 sets of Axine Plates at Higginsville, Mo., alleging that the article had been shipped in interstate commerce on or about September 30, 1939, by W. Gordon Pervis from Tennille, Ga.; and charging that it was misbranded.

Examination showed that the device consisted of two metal plates made of copper and zinc, respectively, which were to be worn in the shoes of the user, a plate in each shoe.

The article was alleged to be misbranded in that its labeling bore representations that it would produce health and vigor by means of electricity in the human body; would relieve the stiffness of old age and make one feel young again; would rid the blood of uric acid; would be efficacious in the mitigation, treatment, and prevention of high blood pressure, low blood pressure, headache, asthma, paralysis, kidney trouble, rheumatism, diabetes, eczema, cold hands and feet, and poor circulation; and would be efficacious "to draw the acid from the larynx gland and thus stop excessive coughing of asthma," which were false and misleading since the said article would not be efficacious for the said purposes.

It was alleged to be misbranded further in that its labeling represented that uric acid forms in the stomach, that it forms as the result of eating food that disagrees with the stomach, that the acid then filters through the blood and travels through the blood as a very fine crystal; that the device consisted of a composition of metals "which would act upon the human electricity and would make the human electricity fast"; that the device would heat the blood about 2 degrees and thus dissolve uric acid in the blood; that uric acid would pass through the blood into the said device; that the cause of high blood pressure is the uric acid crystals stopping in the arteries, hardening of the arteries, and enlarging the heart; that the device would stimulate one's own electric current; that the electric current would pass through the brain and dissolve and draw away clot on the brain; that uric acid stiffens the prostate gland; that because of uric acid the prostate glands stand open and will not "pan down"; that failure of the prostate glands to "pan down" causes diabetes; that the device would produce heat by the metals' acting as a battery on the human electricity and that the heat thus produced would cause the prostate gland to "pan down" and relieve the patient entirely, which representations were false and misleading.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

218. Misbranding of foot exerciser. U. S. v. 70 Retail Packages of H & H Foot Exercisers. Default decree of condemnation and destruction. (F. D. C. No. 2157. Sample No. 16801–E.)

This article consisted of a wooden roller. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about June 7, 1940, the United States attorney for the Western District of Missouri filed a libel against 70 retail packages of H & H Foot Exercisers at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 29, 1940, by the Hussmann-Holmes Co. from El Paso, Tex.; and charging that it was misbranded.

The article was alleged to be misbranded in that the labeling bore representations that it was efficacious in the treatment of weak arches, flat feet, metatarsal

trouble, burning calluses, "chronic leg muscle," and limitations of foot motion; that it would regenerate the nerves, develop strength in the muscles and flexibility in the joints; would strengthen weak ankles and other ankle disturbances, such as swelling, enlargement and strain due to trauma, would oxidize the fat around the ankle by breaking up the fat cells, would relieve fatigue for persons who stand for long periods, and would relieve cold feet. the result of poor circulation, that all suffering from such conditions is needless and is easily relieved by the device; that it would eradicate foot suffering, would produce vim, vigor, and new energy, and replace weariness and pain; that it would enable one to enjoy improved health, greater comfort, a finer and sweeter personality and a new body by spending a few minutes and a little patience each day with the device; that foot comfort means bodily comfort and health; that most body ailments are caused by bad feet and that no other part of the body can affect the general health as much as the feet; that when the feet hurt it is often nature's signal of something worse to come and that aching feet may be nothing to what may follow if the trouble is not corrected; that the device would relieve most pains quickly; that when the muscles are weakened or bones displaced, even slightly, trouble is sure to follow; that headaches, backaches, leg pains, nervous conditions, and other ailments can often be traced to simple foot faults, and that when these are corrected the pain disappears; that the device was a most remarkable contribution for relief of foot ailments, that it was a health-building appliance, built on scientific and orthopedic principles incorporating all exercises for feet; that it was the same principle used for correcting flat feet and weak arches in concentration camps during the war; that it would relieve the three main causes of foot trouble, tension in joints, strain on muscles, and limitation of foot motion; that if the feet were normal it would keep them in perfect condition, that the condition of the general health depends on the attention given the feet, and that most foot troubles can be avoided by preventive measures; that if the foot muscles grow weak and allow the arches to fall, there is pressure on sensitive nerves causing pains as severe as rheumatism, backaches, headaches, that the sight is affected and curvature, neuritis, arthritis, and many other ailments result; that when the system is suffering from fatigue, the heart is working overtime; that the feet being most remote from the heart do not receive their quota of blood and become cold, clammy, and that the supporting structures (muscles and ligaments) are deprived of their normal amount of heat necessary to function, and that dislocations and deformities often result; that the device would hasten the return to normalcy by restoring circulation and muscle tone to feet and legs; that conditions related to faulty foot posture which would be relieved by correct foot balance are: (Neck and head) stiff neck, headache, congestion, strain, localized pain, neuritis; (spine and pelvis) nervousness, postural defects, sway back, round shoulders, arthritis, rheumatic pains, compaction of spine, lumbosacral strain, sacro-iliac strain, neurasthenia, muscle spasm, flexible curvature, muscle-joint strain, myositis, "twisted pelvis," unlevel hips, unlevel shoulders, neuritis, prominent shoulder blades; (thigh and calf) cramps, muscular pains, rheumatic pains, sciatica, contracted ham strings, varicose veins, stiffness on arising, excessive tiredness from walking or standing, swelling and congestions; and (ankle and foot) arthritis, rheumatic pains, flat feet, pronation, muscle unbalance, fallen arches, chronic strain, acute strain, swollen ankles, weak ankles, painful heel, "Morton's Toe," corns, bunions, excessive perspiration, burning feet, cold feet, numbness, ingrowing nails, hammer toes, muscle cramps, splay foot, contracted foot, defective gait, clumsiness, stiffness on arising, strain of heel cord, shortened heel cord, "Shaffer's foot," bony subluxations, muscle-joint strains, retracted toes, rigid joints, plantar neuralgia, pointed toes, rotated heel, inverted ankles, varicose veins, and calluses; that cold, clammy, sweaty feet, tired and aching muscles, and many cases of so-called rheumatism are nothing but nerve pressure caused by ill feet; that the device would gently force bones and ligaments back into place, relax tired muscles, stimulate circulation, and build up the arches; that it was beneficial for convalescing patients who have had crushing injuries to the feet or bad sprains of the foot muscles and tendons, also for invalids who have been confined to bed for long periods; and that it would aid in restoring articular motion to the feet, which representations were false and misleading since the device was not efficacious for the purposes recommended.

On August 31, 1940, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

219. Misbranding of Vegetable Cancer Compound. U. S. v. Richard A. Mason. Plea of guilty. Fine, $525 of which $500 was suspended. Defendant placed on probation for 3 years. (F. D. C. No. 933. Sample Nos. 78418–D, 80901–D.)

The label of this product bore false and misleading representations regarding its efficacy in treatment of the conditions indicated below.

On August 20, 1940, the United States attorney for the Southern District of New York filed an information in 2 counts charging Richard A. Mason, Chatham, N. Y., with shipment on or about July 1 and September 9, 1939, from the State of New York into the States of Pennsylvania and Ohio, of quantities of Vegetable Cancer Compound which was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including a laxative drug, sugars, alcohol, and water.

Misbranding was alleged in that representations in the labeling that the article was a vegetable cancer compound; was effective for cancer, tumor, ulcer, and all blood diseases; and that by purifying the blood, the drug would assist nature to throw off impurities together with the design of a monogram containing the letters "V C C" on the labels, were false and misleading in that they represented that the article would produce beneficial results in persons suffering from cancer, tumor, ulcer, and all blood diseases by purifying the blood and assisting nature to throw off impurities; whereas it was not efficacious for such purposes.

On August 28, 1940, a plea of guilty was entered by the defendant and the court imposed a fine of $25 on the first count and $500 on the second count. Payment of the fine on the second count was suspended and defendant was placed on probation for 3 years.

220. Misbranding of Witsells Chocolate Quinine. U. S. v. 97 Bottles of Witsells Chocolate Quinine. Default decree of condemnation and destruction. (F. D. C. No. 1631. Sample No. 5426–D.)

The labeling of this product bore representations regarding its efficacy in the treatment of malaria, chills, and grippe; whereas it contained no ingredients of value as a treatment for grippe and did not provide a sufficient amount of quinine in the dosage recommended to constitute an adequate treatment for malaria or chills.

On March 14, 1940, the United States attorney for the Northern District of Alabama filed a libel against 97 bottles of Witsells Chocolate Quinine at Gadsden, Ala., alleging that the article had been shipped in interstate commerce on or about November 13, 1937, by Witsell Bros.-Dean Lilly Co. from Memphis, Tenn.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of quinine sulfate (1.8 grains per 100 cc.) water, sugar, chocolate flavoring, and alcohol (4 percent).

It was alleged to be misbranded in that its labeling bore representations that it was efficacious as a treatment for symptoms of malaria, chills, and grippe and that the dose was 1 to 2 teaspoonfuls followed by water, which were false and misleading since it was not efficacious for the purposes recommended.

On July 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

221. Misbranding of Healo Salve. U. S. v. 118 Retail Packages of Healo Salve. Default decree of condemnation and destruction. (F. D. C. No. 1799. Sample No. 10793–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in conditions indicated hereinafter. The net weight also was less than declared.

On April 12, 1940, the United States attorney for the Southern District of New York filed a libel against 118 retail packages of Healo Salve at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 8, 1940, from Springfield, Mass., by the Ericka Co.; and charging that it was misbranded. It was labeled in part: "The Magic Salve Healo * * * Net Weight 1⅜ oz. when packed."

Analysis showed that the article consisted essentially of petrolatum and volatile oils including oil of peppermint, thymol, camphor, and eucalyptol.

Misbranding was alleged in that representations in the labeling of the article regarding its efficacy in the treatment of headache, neuralgia, catarrh, toothache, congested lungs, pneumonia, rheumatic pains, stiff joints, swellings, asthma, hacking cough, sores, piles, hay fever, and eczema, were false and misleading

since the article was not efficacious for the purposes so recommended. It was alleged to be misbranded further in that the representation in the labeling that the tins contained 1⅝ ounces was false and misleading since it was incorrect, and in that it did not bear an accurate statement of the quantity of the contents.

On May 2, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

222. Misbranding of Hannon's Rub. U. S. v. 5 Dozen 1-Ounce Packages and 2½ Dozen 2-Ounce Packages of Hannon's Rub. Default decree of condemnation and destruction. (F. D. C. No. 1989. Sample No. 9563–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below. The cartons were unnecessarily large, the 1-ounce bottle occupying approximately 32 percent, and the 2-ounce bottle occupying approximately 38 percent of the capacity of the carton.

On May 21, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against the above-named quantities of Hannon's Rub at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 29, 1940, by Hannon's Medicines, Inc., from Brookhaven, Miss.; and charging that it was misbranded.

Analysis showed that the article was a 2-layer liquid consisting essentially of camphor, soap, chloroform, water, and alcohol.

Misbranding was alleged in that the labeling bore representations that the article was efficacious in the treatment of rheumatism, arthritis, neuritis, croup, coughs, laryngitis, chest colds, paroxysms due to asthma, menstrual colic, sciatica, bursitis, arthritis of all the joints, lumbago, and backache; that it would relieve severe sprain, headache, neuralgia or rheumatism; that for chest colds it should be rubbed on the chest covering the entire area from throat to waist followed immediately with an application covering the entire back from neck to waist; that it would be efficacious in the treatment of stiff muscles and painful joints accompanying rheumatism, lumbago, and neuralgia; and that applied by rubbing on the chest, throat, and upper part of back it would be helpful in paroxysms due to asthma, which representations were false and misleading since the article was not efficacious for the purposes so recommended.

It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On June 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

223. Misbranding of Premek 33. U. S. v. 24 Small-Sized Packages and 24 Medium-Sized Packages of Premek 33. Default decree of condemnation and destruction. (F. D. C. No. 1348. Sample Nos. 83455–D, 83456–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter. Moreover, both-sized cartons were considerably larger than were required to hold the tube and circular.

On January 13, 1940, the United States attorney for the District of Oregon filed a libel against 48 packages of Premek 33 at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 25 and November 13, 1939, by H. K. Patch Co. from Los Angeles, Calif.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of sulfur, magnesium hydroxide, water, and a small quantity of a phenolic product. It had a pronounced odor of sulfides.

The article was alleged to be misbranded in that representations in the labeling regarding its use for ringworm, barber's itch, impetigo, body skin irritations, facial eruptions, pimples and enlarged pores, scalp irritation, soft corns, and ingrown nails (when infected); and representations that it would relieve promptly pruritis and "itching caused by pruritis," would stop body perspiration, would accomplish the destruction of parasites, organisms, and fungus spores, which cause superficial skin irritations by releasing a vapor into the pores of the skin, that this vapor was generated when the active ingredients of the product combined with the oxygen of the air and that such combination is promoted by the body heat; that it was deadly to microscopic organisms, would relieve skin irritations, and was practically odorless, also appearing in the labeling. were false and misleading. Further misbranding was alleged in

that it was a drug and its container was so made, formed, or filled as to be misleading.

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

224. Misbranding of Wemett's Salve. U. S. v. 66 Packages of Wemett's Salve. Default decree of condemnation and destruction. (F. D. C. No. 1127. Sample No. 39966–D.)

This product was labeled with false and misleading representations regarding its efficacy in the conditions indicated below; and the tube containing it occupied only approximately 20 percent of the capacity of the carton.

On December 4, 1939, the United States attorney for the Western District of Washington filed a libel against 66 packages of Wemett's Salve at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 21, 1939, by F. J. Wemett from Los Angeles, Calif.; and charging that it was misbranded.

Analysis showed that it consisted essentially of salicylic acid (30.1 percent), incorporated in a petrolatum base.

It was alleged to be misbranded in that representations in the labeling that the first application would remove soreness; that it would reduce swelling, and that it would reduce the swelling and take out the soreness and inflammation of bunions were false and misleading since the article was not efficacious for the purposes so recommended. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS IN DECEPTIVE CONTAINERS OR MISLABELED AS TO QUANTITY OF CONTENTS[4]

225. Misbranding of Deo Eucalyptus Ointment. U. S. v. 66 Packages of Deo Eucalyptus Ointment. Default decree of condemnation and destruction. (F. D. C. No. 1386. Sample No. 83477–D.)

The tubes containing this product occupied less than 20 percent of the space in the cartons.

On January 16, 1940, the United States attorney for the District of Oregon filed a libel against 66 packages of Deo Eucalyptus Ointment at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about July 28 and November 6, 1939, by the Deo Eucalyptus Laboratories from Oakland, Calif.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

226. Misbranding of Grove's Emulsified Nose Drops. U. S. v. 8 Dozen Packages of Grove's Emulsified Nose Drops. Default decree of condemnation and destruction. (F. D. C. No. 1454. Sample No. 78888–D.)

The containers of this product were deceptive since the contents, which consisted of a bottle, a dropper, and a circular, occupied not more than one-fourth of the total capacity of the carton.

On February 6, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 8 dozen packages of the above-named product at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 5, 1939, by Grove Laboratories, Inc., from St. Louis, Mo.; and charging that it was misbranded in that the containers were so made, formed, or filled as to be misleading.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

227. Misbranding of 666 Nose Drops. U. S. v. 96 Retail Packages of 666 Nose Drops. Consent decree of condemnation and destruction. (F. D. C. No. 1478. Sample No. 87673–D.)

The cartons enclosing this product each contained a bottle of a medicament, a dropper, a circular, and a large corrugated paper liner. The bottle of medicament occupied not more than one-fourth of the space in the carton.

[4] See also N. J. Nos. 141, 159, 175, 178, 180, 181, 227 224, 232, 233, 236, 237, 240–243, 248, and 249.

On February 9, 1940, the United States attorney for the Northern District of Georgia filed a libel against 96 retail packages of 666 Nose Drops at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 31, 1939, and January 18, 1940, by the Monticello Drug Co. from Jacksonville, Fla.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On February 28, 1940, the Monticello Drug Co. appeared as claimant and filed an answer denying the misbranding alleged in the libel. On March 11, 1940, an order was entered in the Northern District of Georgia removing the cause for trial to the Southern District of Georgia. On June 24, 1940, the claimant having, without prejudice, withdrawn its claim and answer and having consented to the entry of a decree, judgment was entered condemning the product, without prejudice, and ordering that it be destroyed and that costs be taxed against the claimant.

228. Misbranding of Aztec Liniment, Pulmotol, Optosan Eye Drops, Nostrisol Nasal Drops, Stomavita, and Femovita. U. S. v. 10 Bottles of Aztec Liniment, et al. Default decree of condemnation and destruction. (F. D. C. No. 1352. Sample Nos. 71322–D to 71325–D, incl., 71327–D, 71328–D.)

The Aztec Liniment, Pulmotol, Stomavita, and Femovita involved in this case were contained in bottles with unusually thick glass, which had a rather heavy base, with the walls recessed or paneled and the neck unnecessarily long. The bottles were contained in paper cartons. The Optosan Eye Drops and the Nostrisol Nasal Drops were each packaged in cartons, the contents of the former occupying less than half the capacity of the carton and the contents of the latter occupying less than 30 percent of the capacity of the carton.

On January 16, 1940, the United States attorney for the District of Arizona filed a libel against 10 bottles of Aztec Liniment, 282 bottles of Pulmotol, 12 packages of Optosan Eye Drops, 9 packages of Nostrisol Nasal Drops, 54 bottles of Stomavita, and 36 bottles of Femovita at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce by the Hildago Pharmacy from Los Angeles, Calif., within the period from on or about November 3, 1939, to on or about December 5, 1939; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading.

On April 22, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

229. Misbranding of Mexican Oil. U. S. v. 276 Packages of Mexican Oil Brand. Default decree of condemnation and destruction. (F. D. C. No. 1285. Sample No. 71163–D.)

The bottles containing this product were made of thick glass, were paneled, and were enclosed in oversized cardboard cartons.

On January 5, 1940, the United States attorney for the Western District of Texas filed a libel against 276 bottles of Mexican Oil at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about October 17, 1939, from Trinidad, Colo., by Hausman Drug Co.; and charging that it was misbranded in that its containers, i. e., the bottles and packages, were so made, formed, or filled as to be misleading.

On February 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

230. Misbranding of olive oil and tincture benzoin compound. U. S. v. The Ideal Laboratories, Inc. Plea of guilty. Fine, $150. (F. D. C. No. 936. Sample Nos. 70687–D, 70688–D, 70767–D.)

These products were short of the declared volume.

On March 20, 1940, the United States attorney for the District of Colorado filed an information against the Ideal Laboratories, Inc., Denver, Colo., alleging shipment by said company on or about August 17 and October 4, 1939, from the State of Colorado into the State of Wyoming of quantities of olive oil and tincture benzoin compound that were misbranded. The olive oil was labeled in part: (Bottles) "16 Oz.," "8 Oz.," or "4 Oz." The tincture benzoin compound was labeled in part: "2 Oz." or "4 Oz."

The articles were alleged to be misbranded in that the statements on the bottle labels, "16 Oz.," "8 Oz.," "4 Oz.," and "2 Oz.," were false and misleading since the bottles contained less than the amounts declared. They were alleged to be misbranded further in that they were in package form and the labels failed to bear an accurate statement of the quantity of the contents.

On June 25, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $150.

231. Misbranding of gauze bandage. U. S. v. 124 Retail Packages of Bandage. Default decree of condemnation and destruction. (F. D. C. No. 1608. Sample No. 87089–D.)

The cartons in which this product was packed contained 3 envelopes of first aid strips but they were large enough to hold approximately 9 envelopes.

On March 13, 1940, the United States attorney for the District of New Hampshire filed a libel against 124 packages of bandage at Manchester, N. H., alleging that the article had been shipped in interstate commerce within the period from on or about February 12 to on or about March 6, 1940, by Stapure Products from Boston, Mass.; and charging that it was misbranded. The article was labeled in part: "Stapure * * * Instant-Bandage."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On April 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NONSTERILE SURGICAL DRESSINGS AND TONGUE BLADES

232. Misbranding of absorbent cotton. U. S. v. 11½ Dozen and 23⅓ Dozen Packages of Absorbent Cotton. Default decrees of condemnation and destruction. (F. D. C. No. 1041. Sample No. 66081–D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms. The roll of cotton in the 1½-ounce packages occupied only two-thirds of the total length of the carton.

On November 22, 1939, the United States attorney for the Southern District of Florida filed a libel against 35 dozen packages of absorbent cotton at Miami, Fla. On June 27, 1940, the libel was amended to include an additional 45⅝ dozen packages. The libel as amended alleged that the article had been shipped in interstate commerce on or about September 15 and October 31, 1939, by the Acme Cotton Products Co. from Dayville, Conn., and charged that it was misbranded. It was labeled in part: "Bonita Absorbent Cotton."

The article was alleged to be misbranded in that the representations in the labeling that it had been sterilized after packaging and was for surgical and sanitary uses, were false and misleading as applied to an article which was not sterile, but was contaminated with viable micro-organisms. The product in the 1½-ounce packages was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On July 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

233. Misbranding of absorbent cotton. U. S. v. 600 Dozen Packages and 300 Dozen Packages of Absorbent Cotton. Consent decree of condemnation. Product released under bond conditioned that cotton be sterilized and packages destroyed. (F. D. C. Nos. 588, 589. Sample Nos. 67868–D, 67869–D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms. The cartons were materially larger than necessary.

On September 14, 1939, the United States attorney for the Southern District of New York filed a libel against 900 packages of absorbent cotton at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 17, 1939, by Acme Cotton Products Co. from Dayville, Conn.; and charging that it was misbranded. It was labeled in part: "Acme Sterilized High Grade Surgical Absorbent Cotton"; or "Merital Cotton."

The Acme brand was alleged to be misbranded in that the representations in the labeling that it was sterilized, high-grade surgical absorbent cotton, that it was used extensively by practicing physicians, that for home use it might be relied upon for first-aid, sickroom, and nursery purposes, and that exceptional care had been used in its manufacture, were false and misleading as applied to a product which was not sterile or high grade and was not suitable for the purposes for which it was represented in said statements.

The Merital brand was alleged to be misbranded in that the statements on the label, "Merital Cotton Contents Three Ounces" and "Made by the Acme Cotton Products Co. Inc., New York, N. Q.," were false and misleading in that they failed to reveal the fact that the contents of the packages were not sterile,

but were contaminated with viable micro-organisms, which fact was material with respect to the consequences which might result from the use of the article to which the labeling related under such conditions of use as are customary or usual.

Both brands were alleged to be misbranded further in that their containers were so made, formed, or filled as to be misleading.

On April 19, 1940, the Acme Cotton Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that the cartons be destroyed and the cotton sterilized.

234. Adulteration and misbranding of sanitary cotton swab applicators. U. S. v. 45 Dozen Packages and 10 Dozen Packages of Sanitary Cotton Swab Applicators with Tongue Blades. Default decrees of condemnation and destruction. (F. D. C. Nos. 1408, 1416. Sample Nos. 37599–D, 70160–D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms. It was labeled to indicate that it contained an appreciable amount of boric acid; whereas it contained but a trace of boric acid.

On January 29 and 30, 1940, the United States attorneys for the Eastern District of Pennsylvania and the Western District of Missouri filed libels against 10 dozen packages of the above-named product at Bethlehem, Pa., and 45 dozen packages of the product at Kansas City, Mo., alleging that it had been shipped in interstate commerce on or about August 23 and September 28, 1939, by the Woltra Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality or purity fell below that which it purported or was represented to possess since it was represented to have been made from sterilized absorbent cotton and dipped in boric acid; whereas it was not sterile and it contained an insignificant amount of boric acid.

It was alleged to be misbranded in that the representations in the labeling that it was made from sterilized absorbent cotton dipped in boric acid, that it was a sanitary cotton swab applicator approved and recommended by doctors and nurses, and that it was borated, were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms and which contained an insignificant amount of boric acid.

On February 27 and March 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

235. Adulteration of cotton swab applicators. U. S. v. 45 Cartons of Sanitary Cotton Swab Applicators with Tongue Blade. Default decree of condemnation and destruction. (F. D. C. No. 1143. Sample No. 83879–D.)

This product had been shipped in interstate commerce, was in interstate commerce at the time of examination, and was found to be contaminated with viable micro-organisms at that time. It was also labeled to indicate that it contained an appreciable amount of boric acid; whereas it contained but a trace of boric acid.

On December 5, 1939, the United States attorney for the Western District of Washington filed a libel against 45 cartons of cotton swab applicators at Seattle, Wash., alleging that the article had been shipped on or about August 2 and October 11, 1939, by the Woltra Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its purity or quality fell below that which it purported or was represented to possess in that its labeling contained representations that it had been made from sterilized absorbent cotton and dipped in boric acid; whereas it was not sterile and it contained an insignificant amount of boric acid.

It was alleged to be misbranded in that the representations in the labeling that it had been made from sterilized absorbent cotton and dipped in boric acid, that it was approved and recommended by doctors and nurses, and that it was borated, were false and misleading as applied to an article that was not sterile, and that contained an insignificant amount of boric acid.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

236. Adulteration and misbranding of gauze bandage. U. S. v. 16¾ Gross, 756 Packages, and 65 Dozen Packages of Bandage. Default decrees of condemnation and destruction. (F. D. C. Nos. 1508, 1868, 1930. Sample Nos. 61682–D, 61683–D, 8078–E, 7336–E, 7337–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms.

On February 21, April 25, and May 7, 1940, the United States attorneys for the Eastern District of Louisiana, District of Minnesota, and the Southern District of California filed libels against 16¾ gross of gauze bandage at New Orleans, La.; 756 retail packages of bandage at Le Center, Minn.; and 65 dozen retail packages of bandage at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about March 23, 1939, to on or about March 13, 1940, from New York, N. Y., by the Deane Sales Co.; and charging adulteration and misbranding. Certain lots were labeled in part: "RX 11Ø [or "111" or "112"] Gauze Bandage * * * RX Products Co. Chicago." The remaining lot was labeled in part: "Deane's Gauze Bandage."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged in that the representations in the labeling of the Deane gauze bandage that it was a first aid and was sterilized, and those in the labeling of the RX bandage that it had been scientifically prepared, was designed to meet perfectly first-aid requirements, had been sterilized after packaging, and was pure, were false and misleading since the article was not sterile but was contaminated with viable micro-organisms.

On March 27, June 2, and June 5, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

237. Misbranding of bandages. U. S. v. 44 Packages each containing 10 First Aid Bandages, and 22 Packages each containing 25 First Aid Bandages. Default decree of condemnation and destruction. (F. D. C. No. 2479. Sample No. 28432–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time the product in the 25-bandage size was found to be contaminated with micro-organisms. The cartons containing the 10 bandages were the same size as those containing the 25 bandages.

On August 2, 1940, the United States attorney for the District of Maryland filed a libel against 66 packages of bandages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 16, 1940, by the Co-Dent Co., Inc., from Philadelphia, Pa.; and charging it was misbranded. The article was labeled in part: "Approved Products Incorporated Philadelphia."

The portion of the bandages that were labeled in part "25 First Aid Bandages" was alleged to be misbranded in that the representations in the labeling that the article was a first-aid bandage, an emergency dressing for minor injuries, and a sterile adhesive dressing to be placed over wounds, were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms. The portion labeled "10 First Aid Bandages" was alleged to be misbranded in that the container was so made, formed, or filled as to be misleading.

On September 11, 1940, no claimant having appeared, judgment of condemnation and destruction was entered and the product was ordered destroyed.

238. Adulteration and misbranding of gauze bandage. U. S. v. 9⅝ Gross Retail Packages of Gauze Bandage. Default decree of condemnation and order of destruction. (F. D. C. 2193. Sample No. 2766–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms.

One June 12, 1940, the United States attorney for the District of Rhode Island filed a libel against 9⅝ gross of gauze bandage at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about May 20, 1940, by the Hanover Sales Co. from Boston, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "Fabco Self-Adhering Gauze Bandage * * * First Aid Bandage Co., Leominster, Mass."

The article was alleged to be adulterated in that its purity or quality fell below that which it purported, or was represented to possess, namely, "sterilized." It was alleged to be misbranded in that the representations in the labeling that it had been sterilized after packing; that after packaging it had been subjected to a sterilization process whereby the effectively sealed packages had been subjected to the action of steam heat sufficient to raise the interior of the package to a temperature of 240° F. and that such temperature had been steadily maintained as a minimum for a period of 30 minutes, were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms.

On August 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

239. Adulteration and misbranding of self-adhering gauze. U. S. v. 36 Dozen Retail Packages of Fabco Self-Adhering Gauze. Default decree of condemnation and destruction. (F. D. C. No. 1624. Sample No. 87063–D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

On March 13, 1940, the United States attorney for the District of Rhode Island filed a libel against 36 dozen retail packages of the above-named product at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 12, 1940, by Hanover Sales Co., Inc., from Boston, Mass.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess, since it was represented as having been sterilized after packing; whereas it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the representation in the labeling that it had been sterilized after packing was false and misleading as applied to a product which was contaminated with viable micro-organisms.

On April 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

240. Adulteration and misbranding of gauze bandage. U. S. v. 9 11/12 Gross Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 2610. Sample No. 2725–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms. The bandages occupied approximately 44 percent of the space in the carton.

On August 19, 1940, the United States attorney for the District of Massachusetts filed a libel against 9 11/12 gross packages of gauze bandages at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about July 16, 1940, by the Meditex Supply Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Gauze Bandage Sterilized After Packing Meditex."

It was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess, namely, "Sterilized," since it was not sterile, but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the representation on the carton that it had been sterilized after packing was false and misleading as applied to an article which was not sterile. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

241. Misbranding of surgical dressings. U. S. v. 11 Gross Packages of Medi Band All Purpose Bandage; and 6 Gross of Medi-Gauze. Default decrees of condemnation and destruction. (F. D. C. Nos. 1589, 1658. Sample Nos. 46944–D to 46947–D, incl.)

These products had been shipped in interstate commerce and were in interstate commerce at the time they were examined, at which time they were found to be contaminated with viable micro-organisms. A portion of the "Medi-Gauze" was packed in cartons about twice as large as necessary.

On March 8 and 20, 1940, the United States attorney for the Northern District of Illinois filed libels against 11 gross packages of bandage and 6 gross packages of gauze at Chicago, Ill., alleging that the articles had been shipped in interstate commerce within the period from on or about January 17 to on

or about January 29, 1940, by Medi Brand Products Manufacturing Co. from Detroit, Mich.; and charging that they were misbranded.

Misbranding was alleged in that representations in the labeling of the All Purpose Bandage that it would guard against infection, was an all-purpose bandage, was sanitary, an excellent first-aid bandage, and a necessary first aid; and those in the labeling of the Medi-Gauze that it was medicated with mercuric chloride, and could be used in place of ordinary gauze or adhesive tape, were false and misleading. A portion of the Medi-Gauze was alleged to be misbranded further in that its containers were so made, formed, and filled as to be misleading.

On April 8 and May 7, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

242. Adulteration and misbranding of gauze bandages. U. S. v. 30 Gross and 74 Dozen Gauze Bandages. Default decree of condemnation and destruction. (F. D. C. No. 696. Sample Nos. 36030-E to 36033-E, incl.)

This product had been shipped in interstate commerce and was in interstate commerce when examined, at which time it was found to be contaminated with viable micro-organisms. The bandages were short of the declared 10 yards in length, were not composed of continuous strips but consisted of 2 or more pieces sewed together, and the cartons were larger than necessary.

On August 30, 1940, the United States attorney for the District of Rhode Island filed a libel against 30 gross and 74 dozen gauze bandages at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about June 19 and July 31, 1940, by the Meditex Supply Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Gauze Bandage Meditex."

It was alleged to be adulterated in that its purity and quality fell below that which it purported or was represented to possess, namely, gauze bandage which had been sterilized after packing, since it did not consist of continuous strips but of pieces sewed together and it was not sterile.

It was alleged to be misbranded in that the representations on the carton that it was gauze bandage, had been sterilized after packing, and was 10 yards in length, were false and misleading as applied to an article which did not consist of continuous strips of gauze, which was not sterile, and was not 10 yards long, and the label of which did not reveal the fact, material in the light of the representation that it was a gauze bandage 10 yards long, that it was not a continuous strip. It was alleged to be misbranded further in that the packages failed to bear on their labels an accurate statement of the quantity of the contents in terms of measure. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

243. Misbranding of gauze bandage. U. S. v. 1½ Gross Retail Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 1846. Sample Nos. 5817-E, 5818-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms. The bandages were not antiseptic as implied by the labeling; and the 1 inch x 15 yard-sized rolls occupied only 48 percent of the volume of the carton, and the 1-inch x 7½ yard-sized rolls occupied only 40.22 percent of the volume of the carton.

On April 23, 1940, the United States attorney for the Southern District of Ohio filed a libel against 1½ gross packages of gauze bandages at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about March 12, 1940, by Modern Necessities from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Nu-Tape Adhering Gauze Bandage."

It was alleged to be misbranded in that the representations on the carton that it was medicated with antiseptic mercuric chloride, and that it should be used for wounds and burns as ordinary gauze bandage for all forms of bandaging, were false and misleading as applied to an article that was not sterile and did not possess antiseptic properties, but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On May 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

244. Adulteration and misbranding of gauze bandage. U. S. v. 9 Dozen Packages and 17 Dozen Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 661. Sample No. 70879–D.)

This product had been shipped in interstate commerce, was in interstate commerce at the time of examination, and was found to be contaminated with viable micro-organisms at that time.

On September 30, 1939, the United States attorney for the District of Montana filed a libel against 26 dozen packages of gauze bandage at Billings, Mont., alleging that the article had been shipped on or about November 1, 1938, by the Process Corporation from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Pro-Co-Pax Gauze Bandage."

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold since it was not sterile but was contaminated with aerobic and anaerobic, or facultative anaerobic, spore-forming micro-organisms.

It was alleged to be misbranded in that the representations in the labeling that it consisted of a nonravel bandage which had been scientifically prepared for surgical use under sanitary manufacturing conditions, was false and misleading since it was not sterile.

On December 15, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

245. Adulteration and misbranding of bandages. U. S. v. 4 Dozen Retail Packages of Bandages. Default decree of condemnation and destruction. (F. D. C. No. 1413. Sample No. 67121–D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

On January 27, 1940, the United States attorney for the Western District of Missouri filed a libel against 4 dozen packages of bandages at Kansas City, Mo., alleging that on or about November 28, 1939, the article had been shipped by the Sealtex Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sealtex The Modern Bandage."

It was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess, in that it was represented as having been sterilized; whereas it was not sterile but was contaminated with viable micro-organisms.

The article was alleged to be misbranded in that the labeling bore representations that it had been sterilized after packaging with pressure steam heat as a doctor would sterilize bandages, and that it could be used with the knowledge that it was safe, which representations were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

246. Adulteration and misbranding of gauze bandage. U. S. v. 221 Dozen Retail Packages of Gauze Bandage (and 4 other seizures of gauze bandage). Default decrees of condemnation and destruction. (F. D. C. Nos. 1420, 1595, 1731, 1873, 1890. Sample Nos. 66244–D, 78777–D, 7303–E, 7304–E, 4435–E, 20508–E.)

This product had been shipped in interstate commerce and was in interstate status at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

Within the period from on or about January 31 to on or about May 8, 1940, the United States attorneys for the Western District of North Carolina, Eastern District of North Carolina, Western District of Pennsylvania, Southern District of California, and Northern District of Illinois filed libels against 221 dozen retail packages of gauze bandage at Charlotte, N. C.; 4 gross packages at Lumberton, N. C.; 39 dozen packages at Pittsburgh, Pa.; 105 dozen packages at Los Angeles, Calif.; and 54 dozen packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about December 8, 1939, to on or about February 27, 1940, by Supreme First Aid Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Supreme Gauze Bandage."

The product was alleged to be adulterated in that its purity or quality fell below that which it was purported or represented as possessing since it was not sterile, but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the representation that it had been sterilized after packaging, was false and misleading as applied to a product which was contaminated with viable micro-organisms. A portion was alleged to be misbranded further in that the representation in the labeling that it was a first-aid dressing for emergencies was false and misleading as applied to an article that was not fit for use as a first-aid dressing for emergencies.

Within the period from on or about February 29 to on or about June 24, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

247. Misbranding of gauze pads. U. S. v. 375 Boxes of Redi Dressing. Default decree of condemnation and destruction. (F. D. C. No. 1581. Sample No. 81346–D.)

This product had been shipped in interstate commerce, was in interstate commerce at the time of examination, and was found to be contaminated with viable micro-organisms at that time.

On March 6, 1940, the United States attorney for the Western District of New York filed a libel against 375 boxes of Redi-Dressing at Buffalo, N. Y., alleging that the article had been shipped by the Handy Pad Supply Co. from Worcester, Mass., on or about January 25, 1940; and charging that it was misbranded.

The article was alleged to be misbranded in that the representation in the labeling that it was a protective dressing for minor injuries was false and misleading, since it was not a protective dressing for minor injuries in that it was not sterile but was contaminated with viable micro-organisms.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

248. Misbranding of first aid kits. U. S. v. 29 Dozen First Aid Kits. Default decree of condemnation and destruction. (F. D. C. No. 1917. Sample No. 6363–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time the gauze bandages and absorbent cotton in the kits were found to contain viable micro-organisms. The containers of the various products making up the kits were, with the exception of that of the absorbent cotton, unnecessarily large.

On May 24, 1940, the United States attorney for the District of Montana filed a libel against 29 dozen packages of first aid kits at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about March 30, 1940, by the American White Cross Laboratories from New Rochelle, N. Y.; and charging that it was misbranded. The article was labeled in part: "White Cross Emergency First Aid Kits."

It was alleged to be misbranded in that the statement on the packages "The White Cross of Perfection is Your Protection"; and the representations in the labeling that it was an Emergency First Aid Kit; that it contained sterilized surgical dressings for emergency first aid were false and misleading since it was contaminated with viable micro-organisms. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading since the cartons containing the individual products with the exception of the absorbent cotton, were in all cases larger than was required, the gauze bandage occupying approximately 29 percent, the adhesive tape approximately 50 percent, and the adhesive strip bandage approximately 25 percent of the available space of their respective containers. The bottles containing the mercurochrome were of extremely thick glass.

On July 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

249. Adulteration and misbranding of first aid kits and bandage. U. S. v. 21 First Aid Kits and 28 Packages of First Aid Bandages. Decrees of condemnation and destruction. (F. D. C. Nos. 2410, 2411. Sample Nos. 3852–E, 3853–E.)

The first aid kits had been shipped in interstate commerce and were in interstate commerce at the time of examination, at which time the absorbent cotton, the gauze bandages, and the gauze pads in the kits were found to be contaminated with viable micro-organisms. They were also misbranded because of failure to meet certain requirements of the law with respect to labeling, and the cartons containing the individual items were, in most instances, unnecessarily large. The first aid bandages contained mercurochrome

which was not declared on the label and their containers could easily have held twice the number of bandages.

On July 25, 1940, the United States attorney for the Western District of New York filed a libel against 21 first aid kits and 28 packages of first aid bandages at Buffalo, N. Y., alleging that the articles had been shipped in interstate commerce on or about June 17, 1940, by Co-Dent Co., Inc., from Philadelphia, Pa.; and charging that the first aid kits were adulterated and misbranded and that the first aid bandages were misbranded. The articles were labeled in part: "First Aid Kit [or "First Aid Bandages"] Approved Products Incorporated Philadelphia."

The first aid kits were alleged to be adulterated in that their purity or quality fell below that which they purported or were represented to possess in that they purported to be sterile; whereas they were not sterile but were contaminated with viable micro-organisms. The first aid kits were alleged to be misbranded in that the representations appearing variously on the cartons containing the absorbent cotton, gauze bandages, and gauze pad that they were for first aid, had been sterilized after packaging, were designed to fill the daily requirements of an entire household, and were guaranteed to be as represented, were false and misleading as applied to the articles in the package which were not sterile. The kits were alleged to be misbranded further in that they were in package form and failed to bear a label containing an accurate statement of the quantity of the contents and the common or usual name of the items of which they were composed since the metal container and outer carton did not carry the required information and the cartons containing the adhesive plaster and bandages did not carry a statement of the quantity of these items contained in the packages. They were alleged to be misbranded further in that their container was so made, formed, or filled as to be misleading.

The first aid bandages were alleged to be misbranded in that the label failed to bear the name and the quantity or proportion of dibromo-hydroxymercuri-fluorescein (mercurochrome), a derivative of mercury, contained in the articles. They were alleged to be misbranded further in that their containers were so made, formed, or filled as to be misleading.

On September 13, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

250. Misbranding of gauze bandage and first aid kits. U. S. v. 17 Dozen Packages of Gauze Bandage; 2 Gross Packages of First Aid Kits. Default decrees of condemnation and destruction. (F. D. C. Nos. 1489, 1748. Sample Nos. 70177–D, 5202–E.)

These products had been shipped in interstate commerce and were in interstate commerce at the time of examination, at which time the bandages in the separate packages and the bandages and the cotton in the kits were found to be contaminated with viable micro-organisms.

On or about February 14 and April 4, 1940, the United States attorneys for the Middle District of Pennsylvania and the Southern District of Ohio filed libels against 17 dozen packages of gauze bandage at Harrisburg, Pa., and 2 gross packages of First Aid Kits at Cincinnati, Ohio, alleging that the articles had been shipped in interstate commerce by the Hampton Manufacturing Co., Inc., from Carlstadt, N. J., within the period from on or about July 6 to on or about October 31, 1939; and charging that they were misbranded. They were labeled in part: "Blue Cross Gauze Bandage" or "Blue Cross First Aid Kit."

The gauze bandage was alleged to be misbranded in that the representation in the labeling that it was a nonravel bandage scientifically prepared for surgical use under sanitary manufacturing conditions, was false and misleading, as applied to a product that was not sterile but was contaminated with viable micro-organisms.

The first aid kits were alleged to be misbranded in that the representation that they were first aid kits was false and misleading when applied to a product which contained gauze and cotton that were not sterile but were contaminated with viable micro-organisms.

On April 8 and May 1, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

251. Adulteration and alleged misbranding of catgut sutures. U. S. v. 7 Boxes of Catgut Sutures. Product adjudged adulterated and ordered destroyed. (F. D. C. No. 1635. Sample No. 67158–D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms.

On or about March 15, 1940, the United States attorney for the Western District of Missouri filed a libel against seven boxes of catgut sutures at Kansas City, Mo., alleging that the article had been shipped on or about February 9, 1940, by the Laboratory of the Ramsey County Medical Society from St. Paul, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Formalized Pyoktanin Catgut."

It was alleged to be adulterated in that its purity fell below that which it purported or was represented to possess, since the statement in the labeling, "Formalized Pyoktanin Catgut," and the directions for use, "Tear the envelope and drop the contents into a sterile solution; soak the strand before application to make it pliable and prevent breaking of the knot," implied sterility of the article.

It was alleged to be misbranded in that the representations in the labeling above referred to were false and misleading since they created the impression that the article was sterile catgut suitable for surgical use; whereas it was not sterile catgut and was not suitable for surgical use.

On June 25, 1940, no claimant having appeared, the product was adjudged adulterated and ordered destroyed.

252. Adulteration of tongue blades. U. S. v. 77 Packages of Tongue Blades. Decree of condemnation and destruction. (F. D. C. No. 2181. Sample No. 10881–E.)

This product had been shipped in interstate commerce and was in interstate status at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

On June 10, 1940, the United States attorney for the Southern District of New York filed a libel against 77 packages of tongue blades at New York, N. Y., alleging that on or about April 17, 1940, the article had been shipped in interstate commerce by the John H. Mulholland Co. from Milford, Del.; and charging that it was adulterated. The article was labeled in part: "250 Single-Pak Tongue Blades."

It was alleged to be adulterated in that its purity fell below that which it purported or was represented to possess, namely, "Sterilized."

On July 1, 1940, no claimant having appeared, a decree of condemnation was entered and the articles were ordered destroyed.

PROPHYLACTICS

Nos. 253 to 275 report the seizure and disposition of prophylactics which were defective because of the presence of holes.

253. Adulteration and misbranding of prophylactics. U. S. v. 49 Gross of Prophylactics (and 3 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 1437, 1580, 1583, 1804. Sample Nos. 61261–D, 61608–D, 71266–D, 7522–E, 7523–E.)

On or about February 6, March 5 and 8, and April 10, 1940, the United States attorneys for the Southern District of California and the Southern District of Texas filed libels against 64½ gross of prophylactics at Los Angeles, Calif., and 84 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about January 16 to on or about February 27, 1940, by Akron Drug & Sundries Co. from Akron, Ohio.; and charging that it was adulterated and misbranded. The article was labeled in part: "Coronet," "Derbies," "Genuine Liquid Latex," or "Koin-Pack."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that the representations in the labeling of the Coronet brand that it was a 100-percent blown-tested prophylactic, and would be effective for the prevention of disease; those in the labeling of the Derbies brand that it would be effective for the prevention of disease; those in the labeling of the Liquid Latex brand that it would be effective for the prevention of disease and was guaranteed for 5 years; and

those in the labeling of the Koin-Pak brand that it was a prophylactic, were false and misleading.

On March 8, April 8 and 16, and May 9, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

254. Adulteration and misbranding of prophylactics. U. S. v. 9⅛ Gross, 6¹¹⁄₁₂ Gross, and 7 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1674. Sample Nos. 16793–E to 16707–E, incl.)

On March 28, 1940, the United States attorney for the District of Kansas filed a libel against 23¹⁄₁₂ gross of prophylactics at Atchison, Kans., alleging that the article had been shipped in interstate commerce within the period from on or about September 27, 1939, to on or about January 25, 1940, by Dean & Adelsperger from Kansas City, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Peacocks" or "Snowtex."

It was alleged to be adulterated and misbranded in that the labeling of the Peacocks brand bore representations that it was air-blown-tested, was of finest quality, would afford protection, would aid in preventing venereal disease, was guaranteed for 2 years against deterioration, was an efficient prophylactic, that all defects were discarded and selects only packed, that all seconds were rejected, and that it was of exceptional quality; and the labeling of the Snowtex brand bore representations that it was guaranteed for 10 years against deterioration, was blown-tested, and was an efficient prophylactic; whereas its quality fell below that which its labeling purported or represented it to possess.

On May 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

255. Adulteration and misbranding of prophylactics. U. S. v. 5³⁄₁₂ Gross of Prophylactics (and 30 other seizure actions involving prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 249, 1277, 1370, 1425, 1436, 1449, 1450, 1453, 1462, 1472, 1473, 1483, 1506, 1509, 1510, 1511, 1512, 1520, 1541, 1545, 1551, 1556, 1568, 1603, 1703, 1742, 2021. Sample Nos. 3885–D, 43836–D to 43839–D, incl., 60172–D, 61243–D, 61514–D, 61515–D, 61562–D, 61607–D, 61619–D, 65819–D, 65820–D, 66400–D, 72461–D to 72464–D, incl., 72479–D to 72482–D, incl., 72484–D, 72485–D, 72492–D, 72496–D, 74445–D to 74449–D, incl., 75144–D, 75145–D, 77422–D, 77753–D, 77754–D, 81415–D, 81416–D, 84037–D to 84040–D, incl., 85938–D, 87803–D, 87806–D, 8027–E, 9164–E, 9165–E, 10786–E to 10792–E, incl.)

Between July 6, 1939, and May 27, 1940, the United States attorneys for the Southern District of New York, Eastern District of Louisiana, Southern District of Alabama, Southern District of Florida, Southern District of Texas, Southern District of Iowa, Northern District of Texas, District of Minnesota, Eastern District of Texas, District of Nebraska, Western District of Pennsylvania, District of Maryland, Eastern District of Pennsylvania, and the Northern District of California filed libels against 326³⁄₁₂ gross of prophylactics at New York, N. Y.; 13 gross of the product at New Orleans, La.; 19 gross at Mobile, Ala.; 37 gross at Miami, Fla.; 12¹¹⁄₁₆ gross at Jacksonville, Fla.; 26¹⁄₁₂ gross at Houston, Tex.; 40 gross at Corpus Christi, Tex.; 95 gross at Des Moines, Iowa,; 143 gross at Dallas, Tex.; 372¾ gross at Minneapolis, Minn.; 12 gross at St. Paul, Minn.; 89 gross at Tyler, Tex,; 117 gross at Omaha, Nebr.; 8⁵⁄₁₂ gross at Pittsburgh, Pa.; 40 gross at Baltimore, Md.; 39½ gross at Philadelphia, Pa.; and 110½ gross at San Francisco, Calif. It was alleged in the libels that the article had been shipped in interstate commerce within the period from on or about November 8, 1938, to on or about May 10, 1940, by the Dean Rubber Manufacturing Co. from Kansas City and North Kansas City, Mo.; and that it was adulterated and misbranded. The article was labeled in part, variously: "Trico," "Genuine Peacocks," "Security," "Peacock Dry Skins," "Ultrex Platinum," "Ultrex," "Safe-way," "Hermes," "Sentinel," "Royal Satin Crown," "Mayzel," "Liquid Latex,' "Featherwate,' or "Luna-Tex."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations in the labeling of the Trico brand that it consisted of selected skins and was for the prevention of disease; representations appearing variously in the labeling of the Peacock brand that it was air-blown-tested on new modern equipment, was guaranteed against deterioration for 2 years (or 5 years) would afford protection, was the best that money could buy, was No. 1 grade, that all defects were discarded and selects only packed, that all seconds were rejected, that it was of exceptional quality, would aid in preventing venereal disease, was an efficient prophylactic, and was especially selected and air-tested to guard against bubbles,

pin holes, blisters, etc.; those in the labeling of the Sekurity brand that it was an aid in preventing venereal diseases, was air-blown-tested, was guaranteed 2 years against deterioration, would afford security, would protect against social disease, and would insure prophylaxis; those in the labeling of the Ultrex, Platinum, and Hermes brands that it was air-blown-tested; those in the labeling of the Safe-way brand that it was a safe prophylactic, was guaranteed to be air-tested, was carefully selected and inspected, would insure maximum protection, was unconditionally guaranteed, was for medical purposes, was the best, and would be effective for the prevention of disease; those in the labeling of the Sentinel brand that it was air-blown-tested under a new testing process, was the finest quality prophylactic, would protect against social disease, was carefully selected and inspected, was individually tested and would insure maximum protection, was unconditionally guaranteed, was the best and would be effective for the prevention of disease, would aid in preventing venereal disease; those in the labeling of the Royal Satin Crown brand that it was air-tested and carefully inspected for the protection of the user and was for the prevention of disease only; those in the labeling of the Mayzel brand that everyone was blown-tested and guaranteed 100 percent perfect, that it would prevent infection from contagious disease, was manufactured by the most scientific methods, was sold for the prevention of disease only and was guaranteed until 1940; and those in the labeling of the Liquid Latex, Featherwate, and Luna-Tex brands that it was for the prevention of disease, were false and misleading.

Between August 1, 1939, and July 10, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

256. Adulteration and misbranding of prophylactics. U. S. v. 82 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1883. Sample No. 892–E.)

On April 29, 1940, the United States attorney for the Northern District of Georgia filed a libel against 82 gross of prophylactics at Rome, Ga., alleging that the article had been shipped in interstate commerce on or about April 15, 1940, by Elliott Sales Co., of Rome, Ga., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part "Enterprise Champions."

It was alleged to be adulterated in that its quality fell below that which it was purported or was represented as possessing.

It was alleged to be misbranded in that the representations in the labeling that it was of superb quality, was a most perfect product, was guaranteed against deterioration for 2 years, and was efficacious for the prevention of contagious diseases, were false and misleading.

On May 27, 1940, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

257. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross of Prophylactics (and 3 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 1260, 1445, 1756, 2226. Sample Nos. 61283–D, 94913–D, 334–E, 336–E, 11020–E.)

On December 29, 1939, and February 9, April 5, and June 18, 1940, the United States attorneys for the Southern District of Texas, the Southern District of Florida, and the Western District of South Carolina filed libels against 22 gross of prophylactics at Houston, Tex.; 43 gross at Galveston, Tex.; 21 gross at Miami, Fla.; and 4 9/12 gross at Gaffney, S. C., alleging that the article had been shipped in interstate commerce within the period from on or about April 5, 1939, to on or about April 17, 1940, by Goodwear Rubber Co., Inc., from New York, N. Y.; and charging that it was adulterated and that all lots but one were misbranded. Three of the shipments were labeled in part: "Three Dukes," "Silver-Tex," or "Midgets." The remaining lot bore no brand name.

The article in all shipments was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

All lots, with the exception of the lot labeled "Midgets," were alleged to be misbranded in that representations appearing in the labeling of the Three Dukes brand that it was a fine prophylactic, was for the prevention of disease, was tested, would afford protection, would stand any reasonable test demanded by the Government in accordance with the law, and was guaranteed to be as good and safe as any brand; those in the labeling of the Silver-Tex brand that

it was a prophylactic; and those in the labeling of the lot that bore no brand name that it was a rubber prophylactic, was of excellent quality, was guaranteed for 5 years, and was air-tested, were false and misleading.

On February 8, April 19, June 5, and August 17, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

258. Adulteration and misbranding of prophylactics. U. S. v. 100 Gross of Prophylactics (and 5 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 717, 753, 1336, 1337, 1397, 1398, 1427, 1655. Sample Nos. 61248–D, 61249–D, 61363–D, 70172–D, 70173–D, 76846–D, 76847–D, 76848–D, 79501–D, 15421–E.)

Between October 13, 1939, and March 19, 1940, the United States attorneys for the Northern District of Illinois, District of Maryland, Eastern District of Louisiana, Middle District of Pennsylvania, Northern District of Alabama, and the Western District of Tennessee filed libels against 100 gross of prophylactics at Chicago, Ill.; 149 gross at Baltimore, Md.; 74 gross at New Orleans, La.; 22 gross at Harrisburg, Pa.; 21 gross at Birmingham, Ala.; and 104 gross at Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about July 20, 1939, to on or about February 27, 1940, by Gotham Sales Co. from New York, N. Y.; and charging that it was adulterated and that certain shipments were also misbranded. One lot was labeled in part: "Made from Liquid Latex Distributed by Gotham Rubber Co. Chicago, Ill." The remaining lots bore the following brands: "Rx 95," "Rx 96," "Rx 97," "Liquitex," "Saf-T-Way," "Saf-T-Skin," "Tally-Ho," or "Crescent."

The article in all shipments was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding of certain shipments was alleged in that representations in the labeling of the Rx 96 and Rx 97 that it was a reliable prophylactic, was guaranteed for 5 years, was air-tested, and would prevent disease; those in the labeling of the Saf-T-Way that it was a safe prophylactic and was air-tested, and those in the labeling of the Saf-T-Skin that it was a modern, dependable prophylactic, that it would prevent disease, and was manufactured of finest quality latex rubber, were false and misleading. On November 8 and 29, 1939, and February 17, March 9, April 12, and May 1, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

259. Adulteration and misbranding of prophylactics. U. S. v. 89 Gross and 18½ Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1875, 1927. Sample Nos. 10198–E, 10200–E.)

On April 25 and May 7, 1940, the United States attorney for the District of New Jersey filed libels against 107½ gross of prophylactics at Newark, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about February 29 to on or about March 6, 1940, by Joseph Jacobs from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part "Pure Tex."

It was alleged to be adulterated in that its quality fell below that which it was purported or was represented as possessing.

It was alleged to be misbranded in that the representations in the labeling that it was a prophylactic, was for use in the prevention of disease, and was of an excellent quality, were false and misleading.

On June 19, 1940, no claimant having appeared, judgments of condemnation were entered and the article was ordered destroyed.

260. Adulteration and misbranding of prophylactics. U. S. v. 612 Gross of Prophylactics (and 7 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 1341, 1562, 1584, 1614, 1689, 1717, 1728, 1853. Sample Nos. 61357–D, 61701–D, 61702–D, 77746–D, 81423–D, 3112–E, 3114–E, 3138–E, 8072–E.)

Between January 15 and April 22, 1940, the United States attorneys for the Northern and Western Districts of Texas, the Eastern District of Pennsylvania, the District of Minnesota, and the Western District of Pennsylvania filed libels against 612 gross of prophylactics at Dallas, Tex.; 50 gross at Philadelphia, Pa.; 71 gross at San Antonio, Tex.; 96 gross at Minneapolis, Minn.; and 155 gross at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about March 11, 1939, to on or about April 2, 1940, by Kiliashun Sales Division from

Akron and Dayton, Ohio; and charging that it was adulterated and that certain lots were also misbranded. Certain shipments were variously labeled in part: "Liquid Latex," or "Silver-Tex," or "Genuine Les Liquid Latex." One shipment was labeled in part: "Pickaniny Brand Supreme Goldbeaters * * * Manufactured by Olympia Lab. Atlanta, Ga." One shipment was stamped: "Killian Mfg. Co. Akron, Ohio."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged with respect to certain lots in that the representations in the labeling of the Liquid Latex brand that it was a prophylactic, was guaranteed for 5 years, and was effective for the prevention of disease; those in the labeling of the "Genuine Les Liquid Latex" brand that it was effective for the prevention of disease and was guaranteed for 5 years; those in the labeling of the Pickaniny brand that it was made from choice materials, represented a high quality, and would be effective for the prevention of disease; and those in the labeling of one shipment of the Silver-Tex brand that it was a disease preventative and was guaranteed for 5 years against deterioration under normal conditions, were false and misleading.

On February 23 and 24, March 25, April 22, and May 7, 13, and 14, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

261. Adulteration and misbranding of prophylactics. U. S. v. 24 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1493. Sample No. 61619-D.)

On or about February 17, 1940, the United States attorney for the Southern District of Texas filed a libel against 24 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 5, 1940, by International Distributors from Memphis, Tenn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Siver-Tex * * * Manufactured by the Killian Mfg. Co., Akron, Ohio."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that the representations in the labeling that it was a disease preventative and would be efficacious for prevention of disease, were false and misleading.

On March 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

262. Adulteration and misbranding of prophylactics. U. S. v. 14 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1918. Sample No. 10621-E.)

On May 6, 1940, the United States attorney for the District of Connecticut filed a libel against 14 gross of prophylactics at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by J. Keller from Springfield, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "Liquid Latex Triple Tested Protectors."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that its labeling bore representations that it was a most perfect product, was guaranteed against deterioration for 5 years, would be effective for the prevention of contagious disease, was a protector, and was triple-tested, which were false and misleading.

On September 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

263. Adulteration and misbranding of prophylactics (shorts). U. S. v. 15 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 657. Sample No. 74021-D.)

On October 4, 1939, the United States attorney for the District of Rhode Island filed a libel against 15 gross of prophylactics at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 8, 1939, by Lorica Laboratories, Inc., from Jersey City, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Lorica Transparent Shorts."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that the representation in the labeling that it would be effective for the prevention of disease, was false and misleading. It was alleged to be misbranded further in that it was dangerous to health when used as recommended in the labeling.

On October 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

264. Adulteration and misbranding of prophylactics. U. S. v. 20 Gross and 43 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1339, 1999. Sample Nos. 61149–D, 1967–E.)

On January 11 and May 22, 1940, the United States attorneys for the Southern District of Alabama and the Eastern District of Virginia filed libels against 20 gross of prophylactics at Mobile, Ala., and 43 gross of prophylactics at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about September 1, 1939, and April 11, 1940, by the Magnet Merchandise Co. from New York, N. Y.; and charging that it was misbranded and that one lot was also adulterated. The article was labeled in part: "Silver Skin" or "Pan."

The Pan brand was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess. It was alleged to be misbranded in that representations in the labeling that it was a carefully tested prophylactic of fine quality were false and misleading.

The Silver Skin brand was alleged to be misbranded in that the representation in the labeling that it was guaranteed for 5 years, which indicated that it would remain in good condition and be of good quality for 5 years, was false and misleading, since it was defective because of the presence of holes.

On June 28 and July 10, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

265. Adulteration and misbranding of prophylactics. U. S. v. 1 Gross and 2 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 2221. Sample Nos. 1657–E, 1658–E.)

On June 17, 1940, the United States attorney for the District of Columbia filed a libel against 3 gross of prophylactics at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 17, 1940, by the Olympia Laboratory from Atlanta, Ga.; and charging that it was adulterated and misbranded. One lot was labeled in part: "Black and Gold." The remaining lot bore no brand name.

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged in that representations in the labeling of the Black and Gold brand that it was perfect, was efficacious for the prevention of disease, was made of selected material with all the care and skill which long experience in manufacturing can give; and those in the labeling of the lot that bore no brand name that it was made of selected material with all the care and skill which long experience in manufacturing can give, were false and misleading.

On July 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

266. Adulteration and misbranding of prophylactics. U. S. v. 14 Gross, 24 Gross, 19 Gross, and 9 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1226, 1237. Sample Nos. 85681–D, 85682–D, 85686–D, 85687–D.)

On December 21 and 22, 1939, the United States attorney for the Middle District of Pennsylvania filed libels against 66 gross of prophylactics at Scranton, Pa., alleging that the article had been shipped in interstate commerce on November 9 and December 13, 1939, by Penn-Jersey Drug Co., Inc., from Newark, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: "Tuxedo," "Pro-Tek," "Hobby-Tex," or "Tally-Ho."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that the representations appearing variously in the labeling that it was an improved disease preventative, was a health protector, was guaranteed against deterioration, that it was for medicinal purposes, and was guaranteed for 5 years, were false and misleading.

On February 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

267. Adulteration and misbranding of prophylactics. U. S. v. 12½ Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1654. Sample No. 5805–E.)

On March 18, 1940, the United States attorney for the Southern District of Indiana filed a libel against 12½ gross of prophylactics at Terre Haute, Ind., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, from Akron, Ohio, by the Perfection Rubber Co.; and charging that it was adulterated and misbranded. The article was labeled in part; "Perfection Latex Gold Band."

It was alleged to be adulterated in that its quality fell below that which it was purported or was represented to possess.

It was alleged to be misbranded in that the representations that it was a prophylactic, was the best made, was perfection, and was of supreme quality, appearing in the labeling, were false and misleading.

On June 11, 1940, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

268. Adulteration and misbranding of prophylactics. U. S. v. 147 Gross and 62 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1180. Sample Nos. 62608–D, 62609–D.)

On or about December 13, 1939, the United States attorney for the Southern District of Texas filed a libel against 209 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about October 12, 1939, by Philray Merchandise Corporation from New York, N. Y.; and charging that it was adulterated and that one lot was also misbranded. The article was labeled in part: "De Luxe Silver Ray"; or "Silver Bond."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The De Luxe Silver Ray brand was alleged to be misbranded in that the representations in the labeling that the article was guaranteed for 5 years, was a disease preventative, and was for medical purposes only, were false and misleading.

On January 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

269. Adulteration and misbranding of prophylactics. U. S. v. 79 Gross and 102 Gross of Prophylactics (and 4 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 1344, 1426, 1452, 1537, 1758. Sample Nos. 61704–D, 61706–D, 63193–D, 63194–D, 74457–D, 86362–D, 16031–E, 16033–E, 16036–E.)

On or about January 15, February 2, 8, and 28, and April 8, 1940, the United States attorneys for the Northern District of Texas, Southern District of New York, District of Minnesota, Southern District of Texas, and Western District of Oklahoma filed libels against 181 gross of prophylactics at Dallas, Tex.; 9½ gross at New York, N. Y.; 49 gross at Minneapolis, Minn.; 124 gross at Houston, Tex.; and 524¼ gross at Oklahoma City, Okla. On February 6, 1940, the libel filed in the Northern District of Texas was amended to cover an additional 163 gross of the product. It was alleged in the libels that the article had been shipped in interstate commerce within the period from on or about January 21, 1939, to on or about March 12, 1940, by W. H. Reed & Co., Inc., from Atlanta Ga.; and that it was adulterated and that certain shipments were also misbranded. Four of the shipments were labeled in part respectively: "Surety," "Red-Pak," "Golden Pheasant," or "Pan." The remaining shipment bore no brand name.

The article in all shipments was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged with respect to certain shipments in that representations in the labeling of the Red-Pak brand that it was effective for the prevention of disease and was guaranteed for 5 years; those in the labeling of a portion of the Golden Pheasant brand that it was a prophylactic; those in the labeling of the Pan brand that it was carefully tested and was a fine-quality guaranteed prophylactic; and those in the labeling of the lot that bore no brand that it was made of selected, choice grade materials, that it had been made with all the care and skill which long experience in manufacturing can give, and was effective for the prevention of disease, were false and misleading.

On February 23, March 12 and 19, April 16, and May 7, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

270. Adulteration and misbranding of prophylactics. U. S. v. 18 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1573. Sample No. 71366–D.)

On March 7, 1940, the United States attorney for the District of Arizona filed a libel against 18 gross of prophylactics at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about January 20, 1940, by the Rogers Packing Car Co. from El Paso, Tex.; and charging that it was adulterated and misbranded. It was labeled in part "Protect-Us."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations in the labeling that it would afford protection, was 100 percent perfect, was a disease preventative, and was guaranteed for 5 years, were false and misleading.

On April 30, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

271. Adulteration and misbranding of prophylactics. U. S. v. 33 Gross and 48 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1340, 1351. Sample Nos. 61460–D, 61621–D, 61625–D, 61626–D, 61627–D.)

On January 12 and 15, 1940, the United States attorney for the Eastern District of Louisiana filed libels against 81 gross of prophylactics at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 17 and December 28, 1939, by the Specialty Sales Co. from Atlanta, Ga.; and charging adulteration and misbranding. The article was labeled in part: "Tray-Ban," "Dred-Not," or "Venice."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged in that representations in the labeling of the Tray-Ban brand that it was superior, was guaranteed for 5 years, would be effective for the prevention of disease, and was a soldier of health; those in the labeling of the Dred-Not brand that it was a prophylactic; and those in the labeling of the Venice brand that it was effective for the prevention of disease, were false and misleading.

On March 9, 1940, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

272. Adulteration and misbranding of prophylactics. U. S. v. 64⅔ Gross of Prophylactics (and 3 other seizure actions involving prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 769, 1448. Samples Nos. 60949–D, 74451–D, 74452–D, 74453–D.)

On or about October 20, 1939, and February 7, 1940, the United States attorneys for the Southern District of Texas and the District of Minnesota filed libels against 64⅔ gross of prophylactics at Houston, Tex., and 41½ gross of prophylactics at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 9 and 26, 1939, by Tecla Chemical Corporation from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Saf-T-Way"; or "Rx 96 Genuine Liquid Latex."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that the representations in the labeling of the Saf-T-Way brand that it was an air-blown-tested and safe prophylactic; and those in the labeling of the Rx 96 brand that it was a reliable, selected prophylactic, would prevent disease, and was guaranteed for 5 years were false and misleading.

On October 20, 1939, and March 19, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

273. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross of Prophylactics (and 4 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 1224, 1250, 1297, 1475. Sample Nos. 61242–D, 61516–D, 71179–D, 71180–D, 85683–D.)

Between December 20, 1939, and February 9, 1940, the United States attorneys for the Middle District of Pennsylvania, Eastern District of Louisiana, and Northern District of Texas filed libels against 22 gross of prophylactics at Scranton, Pa.; 6¼ gross at New Orleans, La.; 49 gross at Lubbock, Tex.; and 39 gross at Dallas, Tex., alleging that the article had been shipped in interstate commerce, within the period from on or about August 24 to on or about September 21, 1939, by the Universal Merchandise Co. in various shipments from

New York, N. Y.; Chicago, Ill.; and New Orleans, La.; and charging that it was adulterated and that portions were also misbranded. Certain lots were labeled in part: "Saf-T-Way" or "Zephyr." One lot bore no brand name.

All lots were alleged to be adulterated in that their quality fell below that which they purported or were represented to possess.

The Saf-T-Way brand was alleged to be misbranded in that representations in the labeling that it was a safe prophylactic and was air-blown-tested, were false and misleading.

On February 8, March 8 and 21, and May 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

274. Adulteration and misbranding of prophylactics. U. S. v. 36 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1629. Sample No. 99–D.)

On March 14, 1940, the United States attorney for the Western District of Texas filed a libel against 36 gross of prophylactics at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about March 10, 1939, by the World Merchandise Co. from New York, N. Y.; and charging that it was adulterated and that a portion was also misbranded. The article was variously labeled in part: "Royal Crown," "Gold Town," "Silver Town," or "Pro-Tek."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The product labeled "Silver-Town" also was alleged to be misbranded in that the representation in the labeling that it was a disease preventative was false and misleading.

On April 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

275. Adulteration and misbranding of prophylactics. U. S. v. 22¼ Gross and 19 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1574, 2000. Sample Nos. 66554–D, 1968–E.)

On or about March 7 and May 22, 1940, the United States attorneys for the Western District of Missouri and the Eastern District of Virginia filed libels against 22¼ gross of prophylactics at Kansas City, Mo., and 19 gross of prophylactics at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about January 22 and March 20, 1940, by the World Merchandise Exchange from New York, N. Y.; and charging that it was adulterated and that one lot was also misbranded. One lot was labeled in part: "Nutex Skins * * * Nutex Co., Philadelphia, Pa." The other lot was labeled "Silver Bond."

Adulteration of both lots was alleged in that the quality of the article fell below that which it was purported or was represented as possessing.

The lot designated "Nutex" was alleged to be misbranded in that its labeling bore representations that it was absolutely perfect, would afford protection, and would be efficacious for the prevention of disease, which were false and misleading.

On June 25 and 28, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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PRODUCTS

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

U. S. GOVERNMENT PRINTING OFFICE: 1941

D .D. N. J., F. D. C. 276–325 Issued Nov. 4, 1941

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

276–325

DRUGS AND DEVICES

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. MCNUTT, *Administrator, Federal Security Agency.*

Washington, D. C., August 28, 1941.

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DRUGS AND DEVICES SEIZED BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS OR BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

276. Misbranding of Arbolone Tablets. U. S. v. 141 Packages of Arbolone Tablets. Default decree of condemnation and destruction. (F. D. C. No. 2355. Sample No. 4516–E.)

This product consisted of thyroid and extracts of plant drugs. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which recommended a dosage for adults of one tablet after each meal and at bedtime. Its labeling

also contained representations that it was efficacious in the treatment of simple obesity or ordinary overnutrition where the excessive weight was due to overeating or overdrinking, or both; and that in indicated cases, it should be of benefit providing reasonable diet habits were observed, which representations were false and misleading since it would not constitute an adequate, appropriate, or safe treatment for simple obesity or ordinary overnutrition where the excessive weight was due to overeating or overdrinking, or both.

On July 16, 1940, the United States attorney for the Northern District of Illinois filed a libel against 141 packages of Arbolone Tablets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 6, 1940, by the Arbolone Co. from Dayton, Ohio; and charging that it was misbranded.

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

277. Misbranding of Dr. T. F. Ealy's Baby Powders. U. S. v. 64 Packages of Dr. T. F. Ealy's Baby Powders. Default decree of condemnation and destruction. (F. D. C. No. 2145. Sample No. 3147–E.)

This product contained calomel, plant material, calcium carbonate, and a small proportion of saccharin. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling which recommended it as a mild laxative for children and which contained directions that for a 1-year-old child, 1 powder should be given at a time, 12 hours apart, until the bowels move freely, that for a month-old child one-twelfth of a powder should be given, and that for a 2-months-old child one-sixth of a powder, etc.; and that for children over a year old, the powders should be given more frequently, but the dose should not be made larger.

On June 3, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 64 packages of baby powders at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 9, 1940, by L. O. Ealy from Steubenville, Ohio; and charging that it was misbranded for the reasons appearing above.

On October 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

278. Misbranding of Eczematone. U. S. v. 72, 33, and 10 Packages of Eczematone. Default decree of condemnation and destruction. (F. D. C. No. 2180. Sample No. 16232–E.)

This product would be dangerous to health when used as directed in the labeling, which bore false and misleading representations regarding its efficacy in the conditions indicated below.

On June 7, 1940, the United States attorney for the Western District of Missouri filed a libel against 115 various-sized packages of Eczematone at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 11, 1940, by the Barlow Chemical Association from Oklahoma City, Okla.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of alcohol (85 percent), mercuric chloride (0.37 percent), and water.

The article was alleged to be misbranded in that representations in the labeling that it would aid nature and promote healing; that it was an invigorating, stimulating treatment; and that it was efficacious in the treatment of minor irritating skin and scalp disorders, sprains, minor aches and pains that could be reached by external application, and of burning, itching and loose, scaly, dandruff were false and misleading since it was not efficacious for the purposes recommended.

It was alleged to be misbranded further in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, namely: "Directions apply freely to parts affected two or three times a day * * * Directions apply freely to roots of the hair, massage in well every other day for a week. Shampoo the hair thoroughly, and when dry apply another application of Eczematone immediately. Repeat the following week if necessary. After that, apply freely once a week for continued results."

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

279. Misbranding of pessaries. U. S. v. 1 11/12 Dozen, 2 Dozen, and 22 Pessaries. Default decree of condemnation and destruction. (F. D. C. No. 2543. Sample Nos. 15593–E, 15594–E, 15595–E.)

This device, which consisted of a metallic mushroom-shaped disk with a cylindrical stem bearing on its end two springy wires, was potentially dangerous to health.

On August 13, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 69 pessaries at St. Louis, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about September 26, 1939, to on or about July 26, 1940, by the H. Carstens Manufacturing Co. from Chicago, Ill.; and charging that it was misbranded in that it was dangerous to health when used with the frequency or duration prescribed. The article was labeled in part: "Hood Improved Pessary."

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

280. Misbranding of tablets. U. S. v. 45 Boxes of Rock-A-Way Tablets. Default decree of condemnation and destruction. (F. D. C. No. 3937. Sample No. 50705–E.)

This product consisted of tablets containing approximately 6 grains each of boric acid, together with sodium bicarbonate and citric acid. It would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, or suggested in the labeling, which directed that 2 tablets be taken before each meal.

On March 7, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 45 boxes of Rock-A-Way Tablets at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about November 28, 1940, by the Gates Medicine Co. from Charleston, W. Va.; and charging that it was misbranded for the reason shown above.

On April 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 281 and 282 report seizure and disposition of drug products whose labeling failed to bear adequate warnings against use in those pathological conditions where its use might be dangerous to health or against unsafe dosage, methods, or duration of administration.

281. Adulteration and misbranding of Bromo-Thein. U. S. v. 58 Bottles of Bromo-Thein. Default decree of condemnation and destruction. (F. D. C. No. 3096. Sample No. 4075–E.)

The label of this product, in addition to failure to bear adequate warnings, also failed to bear adequate directions for use. Moreover, examination showed that the product contained smaller proportions of acetanilid and sodium and potassium bromides than those stated on the label.

On or about September 26, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 58 bottles of Bromo-Thein at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 28, 1940, by Lockwood Laboratories from Hammond, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess.

It was alleged to be misbranded in that the statement on the label, "Each heaping teaspoonful contains 2½ grains Acetanilid, 2½ grains Sodium Bromide, 2½ grains Potassium Bromide," was false and misleading since it was not correct. The article was alleged to be misbranded further in that its labeling failed to bear adequate directions; and in that the labeling failed to bear adequate warnings against use in those pathological conditions where its use might be dangerous to health, or against unsafe dosage, methods, or duration of administration or application in such manner and form as are necessary for the protection of users because frequent or continued use of the article might be dangerous, causing serious blood disturbances, mental derangement, and other serious effects.

On November 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

282. Misbranding of Flu-Go. U. S. v. 9 Dozen Retail Packages of Flu-Go. Default decree of condemnation and destruction. (F. D. C. No. 2389. Sample No. 20240–E.)

The label of this product, in addition to failure to bear adequate warnings, also created the false and misleading impression that it was efficacious as a treatment for flu. Furthermore, the bottle occupied only approximately 37 percent of the space of the carton in which it was packed, and the quantity of contents was not declared.

On or about July 23, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 9 dozen retail packages of Flu-Go, alleging that the article had been shipped in interstate commerce on or about January 22, 1940, by the Flu-Go Chemical Co. from Bessemer, Ala.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of mineral oil, ephedrine, and aromatics including camphor and rose oil.

It was alleged to be misbranded in that the name "Flu-Go" created the false and misleading impression that it constituted a treatment for influenza; in that the label did not bear an accurate statement of the quantity of the contents; in that the labeling did not bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application; and in that its container was so made, formed, or filled as to be misleading.

On August 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS OR BECAUSE OF SUBSTITUTION[1]

VITAMIN PREPARATIONS

283. Misbranding of Old Man Frantz Mountain Tonic. U. S. v. Charton C. Frantz (Old Man Frantz). Plea of guilty. Fine, $100 and costs. (F. D. C. No. 961. Sample No. 78890–D.)

This product was labeled to indicate that it contained vitamins A and D in amounts sufficient to be of importance in conditions requiring administration of such vitamins; whereas it did not. Its labeling also bore false and misleading representations regarding its efficacy in the conditions indicated below.

On May 27, 1940, the United States attorney for the Western District of Pennsylvania filed an information against Charton C. Frantz, trading as Old Man Frantz at Pittsburgh, Pa., alleging shipment on or about November 17, 1939, from the State of Pennsylvania into the State of Ohio of a quantity of Old Man Frantz Mountain Tonic which was misbranded.

Analysis showed that the article consisted largely of water with small amounts of sugars, alcohol, salicyclic acid, cellular plant matter including starch, and a trace of oil. Tests showed that it contained 6 U. S. P. units of vitamin A and 1 U. S. P. unit of vitamin D per cc.

The article was alleged to be misbranded in that the statements, "Contains Vitamins A * * * D * * * Dosage: 1 oz. Each day for normal persons. 2 oz. Each day for those who require an extra amount of Vitamins," borne on the bottle label, were false and misleading in that they represented that the article, in the dosages recommended, would supply the user with vitamins A and D in amounts sufficient to be of importance in conditions requiring the administration of vitamins A and D; whereas the article, in the dosages recommended, would supply the user with not more than one-ninth the amount of vitamin A required by an audit, and not more than one-tenth the minimum dose of vitamin D recommended by the United States Pharmacopoeia.

Misbranding was alleged further in that certain statements in the circular were false and misleading in that they represented that the article was efficacious to increase pep, vim, vigor, and vitality, and would "build up"; that it was a tonic for run-down feeling, nervousness, lack of appetite, and lack of vigor and ambition; that it would aid in maintaining resistance in infections, and would increase the life span; that it was efficacious for poor appetite, dry skin, diarrhea, poor teeth, sterility, weakness, and would stimulate appetite, aid digestion

[1] See also No. 281.

and assimilation; that it was efficacious for poor lactation, atrophy of glands, gastric atony, and head retraction; that it would improve the appetite, stimulate growth essential to tissue respiration; that it contained ingredients essential for glandular functions; that it was efficacious for poor resistance to infections, restlessness, digestive disturbances, headache; that it would exert a beneficial influence in cases of low fertility, poor lactation, and failure of male germ cells to develop; that it was an antipellagric, would improve growth, promote health, prolong the active life span; that it was essential in nerve tissues; that it was efficacious in conditions which impair growth and shorten the life span, and was efficacious in the treatment of dermatitis, breakdown of the central nervous system, loss of hair, ulceration of tongue, loss in body weight of intestines and atony; whereas it would not be efficacious for such purposes.

On October 7, 1940, the defendant entered a plea of guilty and the court imposed a fine of $100 and costs.

284. Adulteration and misbranding of vitamin tablets. U. S. v. Royal Manufacturing Co. of Duquesne, Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs. Pleas of nolo contendere. Dismissed as to the corporation. Fine of $25 and costs imposed against each individual defendant. (F. D. C. No. 945. Sample No. 55534–D.)

This product was found to contain less than one-sixtieth the amount of vitamin A and less than one-half the amount of vitamin D delcared on the label.

On April 15, 1940, the United States attorney for the Northern District of Illinois filed an information against the Royal Manufacturing Co. of Duquesne, Chicago, Ill., Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs, alleging shipment on or about August 18, 1939, from the State of Illinois into the State of Michigan of a quantity of vitamin tablets that were adulterated and misbranded. The article was labeled in part "Saxon Six Vitamins in Tablet Form."

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported or was represented to possess in that each of said tablets was represented to contain not less than 3,138 U. S. P. units of vitamin A and not less than 314 U. S. P. units of vitamin D; whereas each tablet contained not more than 50 U. S. P. units of vitamin A and not more than 150 U. S. P. units of vitamin D.

It was alleged to be misbranded in that the statements, "Each Tablet Contains Not Less Than: Vitamin A, 3138 U. S. P. units * * * Vitamin D, 314 U. S. P. units * * * Vitamin C," borne on the carton, and "Directions: Adults take two to four tablets daily. Children one to three tablets daily," borne on the bottle label, were false and misleading in that they represented that each of said tablets contained not less than 3,138 U. S. P. units of vitamin A and not less than 314 U. S. P. units of vitamin D and that when taken according to directions would provide a substantial amount of vitamin C; whereas the said tablets contained less than 3,138 U. S. P. units of vitamin A and less than 314 U. S. P. units of vitamin D, and when taken in accordance with directions would not supply a substantial amount of vitamin C in that four tablets would supply less than one-tenth the amount of vitamin C required daily by adults, and three tablets would supply less than one-seventh the amount of vitamin C required daily by children less than 1 year old and less than one-tenth the amount required daily by children 1 to 12 years old.

On November 28, 1940, pleas of nolo contendere were entered. The court, after the facts had been presented and arguments of counsel had been heard, suggested that the defendant corporation be dismissed and, upon motion of the United States attorney, the case against the corporation was dismissed. Fines of $25 and costs were imposed against each individual defendant, with the provision that payment of the fine on the first count satisfy both counts.

285. Adulteration and misbranding of Nuval-Aid. U. S. v. 5 Dozen Bottles of Nuval-Aid. Default decree of condemnation and destruction. (F. D. C. No. 3658. Sample No. 50037–E.)

This product consisted essentially of sugar-coated yeast tablets. It contained not more than 36 U. S. P. units (International Units) of vitamin B_1 per tablet which was only three-fourths of the amount declared on the label.

On January 11, 1941, the United States attorney for the District of Columbia filed a libel against 5 dozen bottles of Nuval-Aid at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about September 18, 1940, by V. M. Products from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, vitamin B_1, had been in whole or in part omitted or extracted therefrom; and in that its strength differed from and its quality fell below that which it was represented to possess.

It was alleged to be misbranded in that the statement, "Each Tablet Contains not less than 48 International Units Vitamin B_1", was false and misleading since it was incorrect.

On February 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

286. Adulteration and misbranding of Codroil. U. S. v. Pho-So-Ash Products Corporation. Plea of guilty. Fine, $50 and costs. (F. D. C. No. 963. Sample Nos. 55958–D, 75454–D.)

This veterinary product contained less than one-half the amount of vitamin D and less than one-third the amount of vitamin A declared on the label.

On June 10, 1940, the United States attorney for the Northern District of Indiana filed an information against the Pho-So-Ash Products Corporation, Kendallville, Ind., alleging shipment on or about September 8 and 29, 1939, from the State of Indiana into the States of Michigan and Ohio of quantities of Codroil which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality or purity fell below that which it purported or was represented to possess in that each pound of the article was represented to contain 40,000 units of vitamin D and 77,600 units of vitamin A; whereas each pound of the article contained not more than approximately 18,144 units of vitamin D and not more than approximately 22,680 units of vitamin A.

It was alleged to be misbranded in that the statements "40,000 Units Vitamine D and 77,600 Units Vitamine A per pound. Codroil is fully guaranteed as to Vitamine content," borne on the drum label, were false and misleading in that they represented that each pound of the article contained 40,000 units of vitamin D and 77,600 units of vitamin A; whereas each pound of the article contained less than 40,000 units of vitamin D and less than 77,600 units of vitamin A. It was alleged to be misbranded further in that the statements "Cod Liver Oil Concentrate 4% (5,750 Units Vitamin A per gram, 3,850 units Vitamin D per gram)," borne on the tag affixed to the drum, were false and misleading in that they represented that the article contained 4 percent of cod-liver-oil concentrate and that the cod-liver-oil concentrate so present contained 5,750 units of vitamin A per gram and 3,850 units of vitamin D per gram, that is to say, that the article contained in each gram not less than 230 units of vitamin A and not less than 150 units of vitamin D; whereas it contained not more than 50 units of vitamin A and not more than 40 units of vitamin D per gram.

On January 27, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

DIGITALIS

287. Adulteration and misbranding of digitalis leaves. U. S. v. 7 Bags of Digitalis Leaves. Default decree of condemnation and destruction. (F. D. C. No. 2488. Sample No. 10799–E.)

This product possessed a potency of about 71 percent of the pharmacopoeial standard for digitalis leaves. Furthermore, it was contained in paper sacks inclosed in burlap bags and not in waterproof and airtight containers as prescribed in the pharmacopoeia.

On August 5, 1940, the United States attorney for the Southern District of New York filed a libel against 7 bags of digitalis leaves at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 24, 1940, by the Oregon Forest Products from Salem, Oreg.; and charging that it was adulterated and misbranded. The article was labeled in part: "2nd Grade Digitalis. U. S. P. not Guaranteed."

It was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its strength differed from the standard set forth in such compendium.

It was alleged to be misbranded in that it was not packaged as prescribed in the United States Pharmacopoeia, since it was not contained in waterproof and airtight containers.

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

288. Adulteration and misbranding of digitalis leaves. U. S. v. 120 Packages of Digitalis Leaves. Consent decree of condemnation. Product released under bond for reconditioning and relabeling. (F. D. C. No. 2217. Sample Nos. 10955–E, 10956–E.)

This product contained from 9.5 percent to 10 percent of moisture; whereas the United States Pharmacopoeia prescribes a maximum of 8 percent of moisture for digitalis leaves. Furthermore, it was not packaged in accordance with the specifications of the pharmacopoeia.

On June 17, 1940, the United States attorney for the Eastern District of New York filed a libel against 120 packages of digitalis leaves at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 20 and 26, 1940, by the Western Trading Co., Inc., from Portland, Oreg.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be and was represented as digitalis, a drug the name of which is recognized in the United States Pharmacopoeia, and its strength differed from and its quality and purity fell below the standard set forth therein.

It was alleged to be misbranded in that it was not packaged in waterproof, airtight containers as prescribed in the pharmacopoeia.

On January 4, 1941, the Western Trading Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to comply with the pharmacopoeial specifications with respect to packaging, moisture content, and labeling.

289. Adulteration and misbranding of powdered digitalis. U. S. v. 25 Pounds of Digitalis Powder. Default decree of condemnation and destruction. (F. D. C. No. 1457. Sample No. 75628–D.)

This product possessed a potency of not more than 72 percent of the pharmacopoeial requirement for powdered digitalis.

On February 8, 1940, the United States attorney for the Southern District of Ohio filed a libel (amended March 19, 1940) against 25 pounds of powdered digitalis at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about April 4, 1939, by S. B. Penick & Co. from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in an official compendium, and its strength differed from the standard set forth in such compendium.

Misbranding was alleged in that the statements on the label, "Digitalis * * * (Tested) * * * Powdered Our Assay 100% U. S. P. Potency," were false and misleading as applied to a drug which possessed a potency of less than three-fourths of that required by the United States Pharmacopoeia.

On October 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

290. Adulteration and misbranding of Elixir Saligen. U. S. v. G. D. Searle & Co. Plea of guilty. Fine, $50. (F. D. C. No. 932. Sample No. 55058–D.)

This product was represented to contain 4 grains of potassium iodide per fluid ounce; whereas a portion was found to contain more than 4 grains of potassium iodide per fluid ounce and the remainder contained no potassium iodide at all.

On January 20, 1940, the United States attorney for the Northern District of Illinois filed an information against G. D. Searle & Co., a corporation, Chicago, Ill., alleging shipment on or about July 29, 1939, from the State of Illinois into the State of Indiana of a quantity of Elixir Saligen which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess in that each fluid ounce was represented to contain 4 grains of potassium iodide; whereas one portion, distinguished by a certain code number, contained more than was represented, namely, not less than 7.60 grains of potassium iodide per fluid ounce and a portion distinguished by a different code number contained no potassium iodide.

Misbranding was alleged in that the statement "Each Fluid Ounce Represents * * * Potassium Iodide 4 grs," borne on the label, was false and misleading.

On January 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50.

291. Misbranding of mineral oil. U. S. v. 4 Gross Bottles of Mineral Oil. Default decree of condemnation and destruction. (F. D. C. No. 3345. Sample No. 36240–E.)

This product was light mineral oil. It was represented to be Russian mineral oil, which is heavy mineral oil.

On November 6, 1940, the United States attorney for the District of Massachusetts filed a libel against 4 gross bottles of mineral oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by the Certified Pharmacal Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Genuine Russian Mineral Oil U. S. P.—Light."

The article was alleged to be misbranded in that the statement "Genuine Russian Mineral Oil" and the Russian emblem appearing on the label were false and misleading since it was not Russian mineral oil, which is heavy, not light, mineral oil.

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

292. Adulteration and misbranding of ether. U. S. v. 15 Packages of Ether. Default decree of condemnation and destruction. (F. D. C. No. 3750. Sample No. 65346–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time 2 of the 10 cans examined were found to contain peroxide.

On February 3, 1941, the United States attorney for the Western District of Texas filed a libel against 15 packages of ether at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about February 16, 1940, by the Mallinckrodt Chemical Works from St. Louis, Mo.; and charging that it was adulterated and misbranded. It was labeled in part: "Ether for Anesthesia."

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia, and its quality or purity fell below the standard set forth therein.

It was alleged to be misbranded in that the statements on the label, "Fully conforms to all Requirements of U. S. P. XI" and "Is free from Peroxide," were false and misleading since they were incorrect.

On March 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

293. Adulteration and misbranding of ether. U. S. v. 82 Cans of Ether. Default decree of condemnation and destruction. (F. D. C. No. 2601. Sample Nos. 4059–E, 4061–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time peroxide was found in 5 of the 40 cans examined and aldehyde also was found in 1 of the 5 cans.

On or about August 19, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 82 cans of ether at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about July 3, 1940, by E. R. Squibb & Sons from Cleveland, Ohio; and charging that it was adulterated and misbranded. It was labeled in part "Ether for Anesthesia."

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia, and its strength differed from and its quality and purity fell below the standard set forth therein.

It was alleged to be misbranded in that the statement on the label, "Ether U. S. P.," was false and misleading as applied to an article which contained peroxide and aldehyde.

On November 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

294. Adulteration and misbranding of Endiphrin Inhalant. U. S. v. 24 Bottles of Endiphrin Inhalant. Default decree of condemnation and destruction. (F. D. C. No. 2330. Sample No. 4639–E.)

This product contained only two-thirds of the amount of epinephrine hydrochloride declared on the label.

On July 12, 1940, the United States attorney for the Northern District of Illinois filed a libel against 24 bottles of Endiphrin Inhalant at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about

May 23, 1940, by the Harrower Laboratories, Inc., from Glendale, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely: (Carton) "A 1 per cent solution of epinephrine hydrochloride"; (bottle) "Epinephrine Solution 1:100."

It was alleged to be misbranded in that the above-quoted statements were false and misleading as applied to an article which contained only 0.67 percent (1/150) of epinephrine hydrochloride.

On October 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

295. Adulteration and misbranding of solution of hydrogen peroxide. U. S. v. 23 Dozen Bottles of Hydrogen Peroxide. Default decree of condemnation and destruction. (F. D. C. No. 3535. Sample No. 6988–E.)

This product was labeled as a 3 percent solution of peroxide of hydrogen, but it contained only 1.9 grams, or less, of peroxide of hydrogen per 100 cc. The United States Pharmacopoeia requires that solution of peroxide of hydrogen shall contain at least 2.5 grams of peroxide of hydrogen per 100 cc.

On December 19, 1940, the United States attorney for the District of New Mexico filed a libel against 23 dozen bottles of solution of hydrogen peroxide at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 22, 1940, by the Southwest Products Co. from Lubbock, Tex.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its strength differed from and its quality and purity fell below the standard set forth therein.

It was alleged to be misbranded in that the statements on the label, "Hydrogen Peroxide U. S. P. * * * 3% * * * Active ingredients H_2O_2 3%," were false and misleading since it did not meet the specifications of the United States Pharmacopoeia for hydrogen peroxide and did not contain 3 percent hydrogen peroxide.

On January 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING THERAPEUTIC CLAIMS[2]

SCALP REMEDIES

296. Misbranding of L. B. Hair Oil. U. S. v. 14⅔ Dozen Packages of L. B. Hair Oil. Default decree of condemnation and destruction. (F. D. C. No. 1043. Sample No. 70952–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Furthermore, its package was deceptive since the bottles were pinched down to approximately one-half size in the center, and therefore contained a much smaller volume of material than would be expected from the size of the carton.

On November 22, 1939, the United States attorney for the District of Utah filed a libel against 14⅔ dozen packages of L. B. Hair Oil at Ogden, Utah, alleging that the article had been shipped in interstate commerce in part on or about September 18, 1939, by the L. B. Laboratories, Inc., from Hollywood, Calif., and in part by McKesson & Robbins, Inc., from Los Angeles, Calif. (the latter shipment made on or about August 21, 1939); and charging that it was misbranded.

Analysis showed that the article consisted essentially of mineral oil with small proportions of saponifiable oil and perfume.

It was alleged in the libel that the article was misbranded in that its labeling bore representations that it was a scalp conditioner, that it contained a balanced blend of rich animal oils and toning ingredients which would give life to the hair almost instantly; that it would aid in overcoming baldness, thin, and falling hair; that it contained animal oils of a very penetrating nature; that it was an "oil of life" for the hair; that it had cured baldness in its originator; that it was a blend of animal oils which would provide the vitalizing, nourishing, and restorative elements needed by the scalp to clear out clogging waste matter and dead tissue, and

[2] See also Nos. 278, 282, 283.

to restore normal functions and growth and produce beautiful healthy hair again in a short time, regardless of the present condition; that many bald for 18 or 20 years testified to a regrowth in approximately 2 years, and that those bald for a shorter time claimed even quicker results; that it was effective for infant scalp trouble; that it would be effective to eliminate granulated eye lids and stimulate new growth of lashes; that it was effective for sun or other burns and would prevent the formation of scar tissue and that its labeling also bore directions that in the treatment of baldness the scalp be steamed with hot towels, that as much of the product as the scalp would absorb be applied and patted in, that the scalp itself be moved with the fingers but that vigorous rubbing should be avoided, that the application should be repeated every night until results were obtained, and further directions that in the treatment for thin and falling hair, the hair should be parted and the product applied directly to the scalp, patting it in with the palm of the hand, that vigorous rubbing should be avoided; that if the hair continued to fall, less should be used since over application would tend to further loosen the hair, which representations and directions were false and misleading as applied to an article consisting essentially of mineral oil and saponifiable oils.

The article was also alleged to be misbranded under the provisions of the law applicable to cosmetics reported in C. N. J. No. 34.

On January 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

297. Misbranding of Odell's Quinine for the Hair. U. S. v. 140 Bottles of Odell's Quinine for the Hair. Default decree of condemnation and destruction. (F. D. C. No. 3609. Sample No. 24831–E.)

This product was represented to be a quinine preparation; whereas it contained no quinine. Its labeling also bore false and misleading representations regarding its efficacy as indicated below, and failed to bear the common and usual names of the active ingredients and a statement of the quantity or proportion of alcohol contained in the article.

On December 30, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 140 bottles of Odell's Quinine for the Hair at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by the Odell Company from Newark, N. J.; and charging that it was misbranded.

It was alleged to be misbranded in that the statements "Quinine * * * Stimulating * * * Essential to healthy hair" were false and misleading because they were incorrect. It was alleged to be misbranded further in that the label did not bear the common or usual names of the active ingredients and a statement of the quantity or proportion of alcohol that it contained.

The article was also alleged to be misbranded under the provisions of the law applicable to cosmetics, as reported in notices of judgment on cosmetics.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

298. Misbranding of Miracle Lotion. U. S. v. 81 Bottles of Miracle Lotion. Default decree of condemnation and destruction. (F. D. C. No. 3148. Sample No. 20860–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below, and it also failed to bear statements of the quantity of the contents and the common or usual name of the active ingredients.

On or about October 12, 1940, the United States attorney for the Southern District of Florida filed a libel against 81 bottles of Miracle Lotion at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by Martinsville Laboratories, Inc., from Martinsville, Va., and charging that it was misbranded.

Analysis showed that the article consisted essentially of isopropyl alcohol (60 percent by volume), salicylic acid, benzoic acid, water, perfume, and a green coloring material.

The article was alleged to be misbranded in that the following statements appearing on the label were false and misleading since they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: "For Scalp Diseases, Dandruff, Pimples, on the Scalp, * * * Falling Hair. * * * Skin diseases of the body, such as Itch, * * * Ring Worm, * * * Acid or Heat Pimples, * * * Sore Aching Joints or Muscles, etc."

It was alleged to be misbranded further in that the label failed to bear an accurate statement of the quantity of the contents; and to bear the common or usual name of the active ingredients, including the quantity, kind, and proportion of alcohol.

On November 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

THERAPEUTIC LAMPS

299. Misbranding of infra-red lamps. U. S. v. 7 Infra-Red Lamps. Default decree of condemnation and destruction. (F. D. C. No. 1523. Sample No. 90939–D.)

The labeling of this device contained false and misleading representations regarding its efficacy in the conditions indicated below.

On February 27, 1940, the United States attorney for the Western District of Washington filed a libel against 7 infra-red lamps at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 26, 1939, from Los Angeles, Calif., by the Lenmar Co.; and charging that it was misbranded.

Examination showed that the article consisted of a heating element screwed into a table-type lamp base.

It was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading since they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: "Healing rays from the sun * * * they penetrate deep into the flesh, stimulating the nerves and causing greatly increased circulatory action, which destroys infections, rebuilds diseased tissues and promotes bodily health and vitality. * * * Direct application of the lamp's rays on the area of pain will relieve suffering from asthma, neuritis, stiff swollen joints, sinus trouble, and rheumatism. Infra-red radiation, because of its soothing effect, has no equal for deep cellular massage. By its action through direct contact it breaks up congestion indicated by acute pain and poor circulation * * * Heat rays penetrate down into the tissues, muscles, and even to the vital organs bringing comfort and relief. * * * Women experiencing trouble at menstruation will find comforting relief by using this Infra-Red lamp's * * * anemia * * * asthma * * * bronchitis * * * backache * * * bruises * * * catarrh * * * relieves hayfever discomforts * * * cold * * * cramps * * * earache * * * insomnia * * * infection * * * kidney diseases * * * lumbago * * * menstrual pain * * * muscle diseases * * * rheumatism, neuralgia, neuritis, sciatica, neuritis * * * sinus trouble * * * laryngitis * * * toothache * * * stiff neck * * * Infra-Red rays are also very beneficial in the treatment of inflammation of the gall bladder, hysteria, nervous diseases, inflammation of veins, bones, membranes, and inflammation of joints."

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

300. Misbranding of Samson Therapeutic Lamps. U. S. v. 55 Samson Therapeutic Lamps. Default decree of condemnation and destruction. (F. D. C. No. 1345. Sample No. 75114–D.)

The labeling of this device contained false and misleading representations regarding its efficacy in the conditions indicated below.

On January 20, 1940, the United States attorney for the District of Minnesota filed libels against 55 of the above-named devices at St. Paul, Minn., alleging that the article had been shipped in interstate commerce within the period from on or about November 25, 1939, to on or about January 2, 1940, by the Samson United Corporation from Rochester, N. Y.; and charging that it was misbranded.

Examination showed that the product was a table-type lamp fitted with a heating element.

The article was alleged to be misbranded in that the following statements appearing in the accompanying circular were false and misleading: "Excellent for relief of arthritis, lumbago, cramps, colds, sprains, etc. The heat rays of the sun are unequaled in health preserving qualities. People whose work confines them inside, where they are unable to enjoy the heat of the sun's rays, suffer from many annoying ailments. Modern science has proved that sunshine is necessary to sound health. As a result, concentrated electric sunshine has been developed to bring the heat of the sun's rays inside when-

ever you want it. Designed by prominent engineers and approved by outstanding health authorities, this therapeutic lamp, used a few minutes daily, brings you health, beauty and vitality. Care of hair. General application of therapeutic rays every night will keep scalp healthy and improve blood circulation * * *. Colds. Apply rays to back of neck and downward along spine to relieve congestion. Cramps * * * rheumatism * * * menstrual pains * * * insomnia * * * backache * * * skin ailments. Therapeutic rays stimulate pores, eliminate all impurities and strengthen tissues. Invaluable in treatment of acne, crow's-feet, dry skin, oily skin, wrinkles, blemishes, etc."

On May 1, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

VETERINARY REMEDIES

301. Misbranding of Avirem Poultry Remedy. U. S. v. 6 Gallon Bottles and 42 Quart Bottles of Avirem The Food Value Poultry Remedy. Default decree of condemnation and destruction. (F. D. C. No. 1926. Sample No. 15575–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below and failed to declare the quantity or proportion of alcohol contained in the article.

On May 8, 1940, the United States attorney for the Southern District of Iowa filed a libel against 6 gallon bottles and 42 quart bottles of the above-named product at Wilton Junction, Iowa, alleging that the article had been shipped on or about January 6, 1940, by the Livestock Products Distributors, Kewanee, Ill.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of dextrose, small proportions of magnesium sulfate, sodium hydroxide, sodium chloride, extracts of plant drugs including emodin-bearing drugs such as cascara sagrada, nux vomica, alcohol (3.9 percent by volume), and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading, since they represented that the article was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: "Rich in Dextrose * * * The Food Value Poultry Remedy * * * Indicated in the treatment of Coccidiosis, Cholera, Typhoid and other Intestinal Infections * * * Daily use in water will help to prevent disease and keep poultry healthy. * * * for preventive purposes and to build resistance. Should intestinal disturbance occur the proportions should be increased to two tablespoonfuls to the gallon, reducing the proportions when conditions are again favorable; Coccidiosis and Other Intestinal Disorders * * * In severe cases * * * After conditions have returned to normal it is recommended to use one tablespoonful of Avirem to the gallon of drinking water daily for preventative purposes; Worms—To build resistance and minimize worm infestation use Avirem in the drinking water constantly. * * *; Respiratory Diseases * * * In severe cases * * * Avirem should be used regularly, one tablespoonful to the gallon of drinking water during the fall and winter as a preventative treatment; Blackhead—Noticeably sick birds * * * continuous use of Avirem in the drinking water the sick birds * * * It is still worth remembering that an ounce of prevention is worth a pound of cure. When droopiness or loss of color or appetite are noticed in poultry of any age it is a danger sign. Separate unthrifty birds from the flock for special treatment, and also feed Avirem to those remaining to prevent trouble. Avirem is a proven remedy with a food value induced by the dextrose content, insuring a quick pick-up and sustained resistance by its daily use in the drinking water. Avirem will help your laying program. Increased production has been noticed by users everywhere."

On November 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

302. Misbranding of "A Remedy Erroneously Sometimes Called Dry Dip." U. S. v. Verney H. Heumes (German Laboratories). Plea of guilty. Fine, $25 and costs. (F. D. C. No. 941. Sample Nos. 55888–D, 55889–D.)

The labeling of this product bore false and misleading representations regarding its effectiveness in the conditions indicated below.

On December 2, 1940, the United States attorney for the Northern District of Iowa filed an information against Verney H. Heumes, trading as the German Laboratories, Cedar Rapids, Iowa, alleging shipment on or about August 18 and November 1, 1939, from the State of Iowa into the State of Illinois, of quantities of the above-named product which was misbranded. The label bore the words

"Dry Dip" in large conspicuous type which were immediately preceded by the words "A Remedy Erroneously, Sometimes Called" in smaller type.

Analysis showed that the article consisted essentially of calcium carbonate and iron compounds, containing creosote oil, phenols, and small amounts of nicotine, naphthalene, and siliceous material.

The article was alleged to be misbranded in that the following statements, "A Remedy * * * for combating Flu Germs in live stock. How a hog gets the Flu. When the hog rakes his bedding together they pile up—then the inner hog gets too warm and goes outside to eat and catches cold. Then the Flu Develops. If you will sprinkle plenty of this remedy in the hogs bedding they will not pile up. When a hog catches cold or the flu, they loose weight. * * * Used for Combatting Flu Germs * * * You owe it to yourself and to your animals to give this product a trial and satisfy yourself. It will save you money. For Hogs * * Flu Remedy * * * For Horses and Cattle * * * Flu Remedy * * * For Poultry * * * Flu Remedy," borne on the label, were false and misleading since they represented that the article was efficacious in the diseases and conditions for which it was recommended; whereas it was not efficacious in such diseases and conditions.

On December 2, 1940, a plea of guilty was entered by the defendant and the court imposed a fine of $25 and costs.

303. Misbranding of Moorman's Hog Block Minerals. U. S. v. 47 Blocks of Moorman's Hog Block Minerals. Default decree of condemnation and destruction. (F. D. C. No. 1844. Sample No. 16012–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On April 23, 1940, the United States attorney for the Western District of Oklahoma filed a libel against 47 blocks of Moorman's Hog Block Minerals at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about November 9, 1939, by the Moorman Manufacturing Co. from Quincy, Ill.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of calcium carbonate, calcium phosphate, sodium chloride, sodium carbonate, small proportions of compounds of iron, manganese, magnesium and copper, sulfur, charcoal, and a very small proportion of an iodine compound.

Misbranding was alleged in that the labeling of the article bore representations that it would insure the best and most profitable gains at decreased feeding costs; that it would build stronger bones and healthier blood; that it would be efficacious in anemia and other mineral deficiency diseases and that it contained ingredients which aid in a general way in preventing other diseases; that when fed to brood sows it would increase the number of pigs born alive as well as the size and vigor of the pigs and would also keep the sows in better condition; that it would prevent mineral deficiency diseases in growing pigs; that the product should be given to pigs just as early as they would eat anything and that about 2 weeks after weaning Moorman's E–Z–Ex Treatment should be administered to remove worms; that it would keep the bowels in good condition and furnish the body with the proper kind and quantity of minerals; that it would be efficacious in the treatment of indigestion, worms, and constipation, the most frequent causes of thumps; and that it was efficacious in black scours in pigs, in frame or back weakness, and in necro or necrotic enteritis, which representations were false and misleading since the article was not efficacious for the purposes so recommended.

On June 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

304. Misbranding of Anti-Poison. U. S. v. 27 Packages of Anti-Poison. Default decree of condemnation and destruction. (F. D. C. No. 1490. Sample No. 67136–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about February 28, 1940, the United States attorney for the Western District of Oklahoma filed a libel against 27 packages of Anti-Poison at Buffalo, Okla., alleging that the article had been shipped in interstate commerce on or about October 11, 1939, by the Anti-Poison Medicine Co. from Springfield, Mo.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including an astringent drug, a trace of an ammonium compound, alcohol (12.1 percent by volume), and water.

The article was alleged to be misbranded in that its labeling contained representations that it was efficacious in the treatment and cure of chills, malaria, eczema, scrofula, cholera morbus, snake and spider bites, reptile and insect bites, rheumatism, hemorrhage of the lungs, asthma, female troubles, la grippe, erysipelas, blood poison of every description, poor health, tumerous cancer, weakness, proud flesh, swelling and inflammation, inflammatory rheumatism, sore leg, ivy poison, chills, colic, nervousness, constipation, headache, womb trouble, greenish veins, coughs, lung trouble, biliousness and summer complaint, blood and malarial poison, diseases of the stomach and bladder, all pains, diseases arising from impurities of the blood, skin eruptions, loss of appetite, which representations were false and misleading since the article was not efficacious for the said purposes.

It was alleged to be misbranded further in that the labeling contained representations that it was an anti-poison, was one of the best blood tonics, was the best blood medicine on the market, was an antiseptic, that it contained 20 percent of alcohol and that it was guaranteed to conform to the requirements of the law which were false and misleading.

On March 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

305. Misbranding of boric acid. U. S. v. 498 Packages of Boric Acid. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2211. Sample No. 33201–E.)

The labeling of this product bore false and misleading representations regarding its antiseptic properties when used as an eyewash; and it was also short weight.

On June 17, 1940, the United States attorney for the Southern District of New York filed a libel against 498 packages of boric acid at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 11 and April 22, 1940, by Gero Products, Inc., from South Boston, Mass.; and charging that it was misbranded. It was labeled in part: "Antiseptic for eye washes. net weight 8 oz. * * * It is guaranteed * * * to fully conform with the pure drug Laws."

The article was alleged to be misbranded in that the statements appearing on the label were false and misleading since boric acid is not an antiseptic when used as an eye wash; and in that it was in package form and did not contain an accurate statement of its weight.

On July 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

306. Misbranding of Coston's 6 and 3 Herb Compound. U. S. v. 62 Packages of Coston's 6 and 3 Herb Compound. Default decree of destruction. (F. D. C. No. 1805. Sample No. 65130–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On April 12, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 62 packages of the above-named drug product at Harlan, Ky., alleging that the article had been shipped in interstate commerce on or about January 17, 1940, by C. S. Coston from Lockwood, Tenn.; and charging that it was misbranded.

Analysis showed that it consisted essentially of plant drugs including aloe (a bitter drug), an alkaloid-bearing drug, a laxative drug, a trace of sodium benzoate, sugar, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling, (bottle) "Coston's 6 and 3 Herb Compound Recommended as Stomachic, Diuretic and Laxative Dose—Adults: One teaspoonful in water before meals. Children: In accordance with age. Regulate the dose to suit the action of bowels; not over two actions a day. As an occasional laxative 3 teaspoonfuls at bedtime," (carton) "Coston's 6 and 3 Herb Compound This preparation contains the extracted medicinal properties of six roots and three barks, recommended as Stomachic, Diuretic and Laxative," and (circular) "My newspaper, Six and Three News, will be sent free upon request, containing numerous statements from satisfied users from all parts of the United States, including California and Oregon. These statements will be in detail, telling

to what extent they were benefited, and for what maladies they were used," were false and misleading in that they created the impression that the article constituted an appropriate treatment in the conditions mentioned in the "Six and Three News" referred to in said statements, such as disorders of the stomach, liver and kidneys, rheumatism, impure blood, nervous affections, inflammatory rheumatism brought on by kidney troubles, stomach trouble, inflammation of the bladder, liver troubles, Bright's disease, sciatic rheumatism, and nervous indigestion; whereas it was not an appropriate treatment for these conditions and because the label failed to reveal facts material with respect to consequences which might result from the use of the article under the conditions of use above referred to.

On May 18, 1940, no claimant having appeared, judgment was entered ordering that the product be destroyed.

307. Misbranding of Diabet-Tea. U. S. v. 9 Packages of Diabet-Tea. Default decree of condemnation and destruction. (F. D. C. No. 3084. Sample No. 34721–E.)

The labeling of this product contained false and misleading representations regarding its efficacy in the treatment of diabetes, and it also failed to bear the common or usual name of the drug from which it was made.

On September 26, 1940, the United States attorney for the Southern District of New York filed a libel against 9 packages of Diabet-Tea at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1940, by the Diabet-Tea Co. from Scranton, Pa.; and charging that it was misbranded.

Analysis showed that the article consisted of ground *Hypericum perforatum*, commonly known as St. Johnswort.

The article was alleged to be misbranded in that the statements appearing on the label, "Nature's Food Diabet-Tea for Diabetes The Contents of this Package has been carefully prepared for the Use of Those who Suffer from Diabetes," were false and misleading. It was alleged to be misbranded further in that the label did not bear the common or usual name of the drug.

On October 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

308. Misbranding of Milk of Soya Bean. U. S. v. 2 Cases of Milk of Soya Bean. Default decree of condemnation and destruction. (F. D. C. No. 1704. Sample No. 13603–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 25, 1940, the United States attorney for the Western District of Washington filed a libel against 4 cases of powdered milk of soya beans, alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by Radcliffe's [Radcliffe Soya Products] from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: "A nerve, brain and gland rejuvenator * * * for * * * diabetics."

Analysis showed that the product was a mixture of powdered soya beans and powdered milk.

It was alleged to be misbranded in that the statements appearing in the labeling, "A nerve, brain, and gland rejuvenator * * * for * * * diabetics," were false and misleading since the said statements represented that the article was efficacious for the purposes recommended; whereas it was not efficacious for such purposes.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods reported in food notice of judgment No. 1336.

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

309. Misbranding of Oster Massagett. U. S. v. 12 Packages of Oster Massagett. Default decree of condemnation and destruction. (F. D. C. No. 1769. Sample No. 8077–E.)

This device was an electric motor so constructed as to vibrate when it revolved, and fitted with an attachment whereby it was clamped to the back of the hand. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 9, 1940, the United States attorney for the District of Minnesota filed a libel against 12 of the above-named devices at Le Center, Minn., alleging that

the article had been shipped in interstate commerce on or about January 18, 1940, by the John Oster Manufacturing Co. from Racine, Wis.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it would be efficacious for the development and preservation of good health, that poor blood circulation is usually the cause of most physical ailments, that sluggishness and congestion are due to poor blood circulation and bring about disease; that it would stimulate blood circulation, eliminate congestion, and banish localized pain caused by congested blood vessels pressing on sensitive nerves; that it would bring good health and happiness; would give some relief in the acute types of arthritis and delay the progress of chronic arthritis; that proper functioning of the digestive organs is most essential in relieving arthritis and that massage of the abdomen is recommended therefor; that the device would eliminate the danger of overtraining and staleness in the grooming of athletes; that it would be of great value in the treatment of sprains and bruises by restoring the blood circulation on which healing depends; that it would ease and relieve stiff joints and that adhesions in the joint would be gently separated; that the daily application of the device to the bed-ridden patient would compensate for the absence of the normal activities of life, would tend to allay deformity arising from prolonged inactivity and the muscles from becoming stiff, would stimulate the blood circulation and tone the nerves thus refreshing and soothing the tired body, improving the color, appetite and sleep, and creating greater contentment at being confined to bed; that the treatment would be effective in breaking up most forms of congestion and would help to bring about relief in colds; that it would overcome lack of bowel tone and action and restore normal activity of the bowels; that when applied to the abdomen accompanied by gentle finger manipulation the Massagett treatment would penetrate deeply into the stomach and intestines with sufficient force to help normalize the natural functions of the digestive organs; that it would be efficacious in the treatment of chronic constipation; that in cases of fatigue it would relieve strain, loosen the tissues and joints, refresh the muscles and restore normal circulation; that it would keep the gums firm and healthy, would be efficacious in mental fatigue and headache, nervousness, insomnia and nerve prostration; that it would tend to counteract nervous irritability which is usually present in those who have been reducing by dieting without due precaution; that it would be efficacious in the treatment of rheumatism by stimulating the nervous, glandular and eliminatory systems and that lumbago and neuritis would respond to its treatment; that it had proven a boon to elderly people by contributing to their maintenance of health by providing the needed exercise they lack due to their state of inactivity; that daily treatment with the device would promote a healthy scalp and hair; that it would be an excellent aid to facial appearance and to muscle tone, would cause the blood to circulate more freely, assisting in the elimination of waste and supplying nourishment, thus toning the muscles and building up the tissues, which representations were false and misleading since the device would not be efficacious for the purposes so recommended.

On May 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

310. Misbranding of Purity Pine Disinfectant. U. S. v. Wilco Laboratories, Inc. Plea of guilty. Fine, $50. (F. D. C. No. 2067. Sample No. 86164–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On July 9, 1940, the United States attorney for the Southern District of New York filed an information against the Wilco Laboratories, Inc., New York, N. Y., alleging shipment by said company on or about September 29, 1939, from the State of New York into the State of Connecticut of a quantity of Purity Pine Disinfectant which was misbranded.

Analysis showed that the article consisted of soap, water, and pine oil.

It was alleged to be misbranded in that the representations in the labeling that it would be effective in the treatment of minor cuts and wounds when used as directed, were false and misleading.

On September 5, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

311. Misbranding of Dr. Seth Hart's Croup Syrup. U. S. v. 3⅓ Dozen Packages of Dr. Seth Hart's Croup Syrup. Default decree of condemnation and destruction. (F. D. C. No. 2496. Sample No. 27271–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below and failed to comply with certain labeling requirements of the law.

On August 8, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 3⅓ dozen packages of croup syrup at Parkersburg, W. Va., alleging that the article had been shipped in interstate commerce on or about January 8, 1940, by the Parker Medicine Co., from Athens, Ohio; and charging that it was misbranded. It was labeled in part: "Dr. Seth Hart's Croup Syrup."

Analysis showed that the article consisted essentially of sugar, water, extracts of plant drugs, and 3 percent of alcohol.

It was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading in that they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: (Carton) "Cough Syrup * * * Remedy for Croup and Whooping Cough"; (bottle) "Croup Syrup * * * Chronic Croup, * * * For Acute Bronchitis, Pleurisy or Inflammation of the Lungs."

It was alleged to be misbranded further in that the label did not bear the name and address of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, nor the common or usual names of the active ingredients.

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HABIT-FORMING DRUG NOT BEARING WARNING STATEMENT ON ITS LABEL

312. Misbranding of paregoric. U. S. v. 49 Gallon Bottles of Paregoric. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3453. Sample No. 24554–E.)

This product failed to bear the required statement of the quantity of opium that it contained, together with the statement "Warning—May be habit forming." Moreover, its label failed to bear the name and address of the manufacturer, packer, or distributor.

On December 2, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 49 gallon bottles of paregoric at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 19, 1940, by the Leading Drug Corporation from New York, N. Y.; and charging that it was misbranded for the reasons appearing above.

On February 1, 1941, the Certified Laboratories, Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be correctly relabeled.

DRUG FAILING TO BEAR REQUIRED INGREDIENT STATEMENT[1]

313. Misbranding of Lightning Hot Drops. U. S. v. 37 Dozen Bottles of Lightning Hot Drops. Default decree of condemnation and destruction. (F. D. C. No. 2350. Sample No. 5876–E.)

This product contained smaller proportions of ether, chloroform, and alcohol than those stated on the label.

On July 10, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 37 dozen bottles of Lightning Hot Drops at Paintsville, Ky., alleging that the article had been shipped in interstate commerce on or about January 2, 1940, by the Herb Medicine Co. from Springfield, Ohio; and charging that it was misbranded. It was labeled in part: "Each Fluid Ounce contains 48 minims of Chloroform, 48 minims of Ether, Alcohol 60% by volume."

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[1] See also Nos. 297, 298, 301, 307, 311.

It was alleged to be misbranded in that its label failed to bear a statement of the quantity or proportion of alcohol, ether, and chloroform since it contained materially less alcohol, chloroform, and ether than the amounts stated on the label.

On August 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS IN DECEPTIVE CONTAINERS OR FALSELY LABELED AS TO QUANTITY OF CONTENTS[4]

314. Misbranding of mineral oil. U. S. v. 48 Bottles of Mineral Oil. Default decree of condemnation and destruction. (F. D. C. No. 3259. Sample No. 36431–E.)

This product was short of the declared volume.

On October 26, 1940, the United States attorney for the District of New Hampshire filed a libel against 48 bottles of mineral oil at Nashua, N. H, alleging that the article had been shipped in interstate commerce on or about August 23, 1940, by M. S. Walker, Inc., from Boston, Mass.; and charging that it was misbranded in that the statement "1 Quart," borne on the label, was false and misleading since it was incorrect. The article was labeled in part: "Sterling * * * 1 Quart Mineral Oil."

On December 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

315. Misbranding of Kotalko. U. S. v. 59½ Dozen Packages of Kotalko. Default decree of condemnation and destruction. (F. D. C. No. 1672. Sample No. 10461–E.)

This product was contained in a wooden box which occupied only 20.7 percent or less of the capacity of the cardboard carton in which it was packed. The wooden boxes also contained less than the weight declared on the label.

On March 21, 1940, the United States attorney for the District of New Jersey filed a libel against 59½ dozen packages of Kotalko at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about February 20, 1940, by the Kotalko Sales Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "For the Scalp Kotalko For the Hair."

The article was alleged to be misbranded in that the statements "Net Weight ¾ Oz." and "Net Weight 25 gm." were not accurate statements of the quantity of the contents, since the package contained a smaller amount. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading.

It was also alleged to be misbranded under the provisions of the law applicable to cosmetics, as reported in notices of judgment on cosmetics.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

316. Misbranding of Dr. Scholl's Moleskin Adhesive Plaster. U. S. v. 149½ Dozen Packages of Adhesive Plaster. Default decree of condemnation. Product delivered to a charitable institution. (F. D. C. No. 2380. Sample No. 10939–E.)

The containers of this product were unnecessarily large and could have held approximately twice as much of the product as they did.

On July 19, 1940, the United States attorney for the Southern District of New York filed a libel against 149½ dozen packages of adhesive plaster at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 22, 1940, by the Arno Plaster Corporation from Michigan City, Ind.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On September 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

NONSTERILE SURGICAL DRESSINGS

317. Misbranding of surgical absorbent cotton. U. S. v. 216 Packages of Surgical Absorbent Cotton. Default decree of condemnation and destruction. (F. D. C. No. 1826. Sample No. 13608–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

[4] See also Nos. 282, 296, 298, 305, 311.

On April 17, 1940, the United States attorney for the Western District of Washington filed a libel against 216 packages of surgical absorbent cotton at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 10, 1939, by the Acme Cotton Products Co. from Dayville, Conn.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements appearing on the package were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms: "Sterilized after packaging * * * Purified Surgical Absorbent Cotton * * * For the use of practising Physician and Surgeon. Its quality may be relied upon for all home uses—first aid, sick room * * * Exacting care observed in every process used in the manufacture of this fine cotton."

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

318. Adulteration and misbranding of cotton swabs. U. S. v. 8 Gross of an article labeled in part "Cotton Sticks." Default decree of condemnation and destruction. (F. D. C. No. 3538. Sample No. 20171–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

On December 23, 1940, the United States attorney for the Northern District of Georgia filed a libel against 8 gross packages of swabs at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 14 and November 9, 1940, by the Cottonsticks Co. from Inman, S. C.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its purity and quality fell below that which it purported or was represented to possess, namely, "Inner Package has been Sterilized," since it was not sterile but was contaminated with viable micro-organisms including spore-forming bacilli.

It was alleged to be misbranded in that the statement on the label, "Inner Package has been Sterilized under steam Pressure after sealing," was false and misleading.

On January 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

319. Adulteration and misbranding of cotton swab applicators. U. S. v. 2 Gross Packages of Cotton Swab Applicators. Default decree of condemnation and destruction. (F. D. C. No. 3541. Sample No. 20172–E.)

This article had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

On December 21, 1940, the United States attorney for the Northern District of Georgia filed a libel against 2 gross packages of cotton swab applicators at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about September 23, 1940, by the Wetmore-Century Corporation from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Century Sanitary Applicators with Cotton Swab and tongue blade."

The article was alleged to be adulterated in that its purity and quality fell below that which it was purported or was represented to possess, namely, (display carton containing 12 retail packages) "Free from Germs," since it was not sterile.

It was alleged to be misbranded in that the statements on the display carton, "The Modern Way of Treating Sore Throat, Cuts, Wounds, ear and nose ailments," "The Sanitary Way of Safeguarding your Health," "Especially useful to Mothers treating Infants," "Sanitary applicators especially made for Throat Treatment," and "Sanitary Applicators Free from Germs," were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms, including spore-forming bacilli.

On January 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

320. Misbranding of Deane's Adhesive Bandage. U. S. v. 1,044 Retail Packages of Adhesive Bandage. Default decree of condemnation and destruction. (F. D. C. No. 2760. Sample No. 19049–E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be con-

taminated with viable micro-organisms. Its label failed to bear the name and address of the manufacturer, packer, or distributor.

On September 6, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 1,044 retail packages of adhesive bandages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 29, 1940, by the Deane Plaster Co. from Yonkers, N. Y.; and charging that it was misbranded in that the following statements appearing on the packages were false and misleading as applied to an article which was not sterile but was contaminated with viable micro-organisms, "First Aid for Minor Cuts. Wounds. * * * Apply the Gauze Pad directly over the Wound. * * * Will afford complete protection for the cut or wound"; and in that the label did not bear the name and address of the manufacturer. packer, or distributor.

On October 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

PROPHYLACTICS

321. Adulteration of prophylactics. U. S. v. 37 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 2314. Sample No. 9633–E.)

On July 3, 1940, the United States attorney for the Southern District of Alabama filed a libel against 37 gross prophylactics at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about February 5, 1940, by Gotham Sales Co., Inc., from New York, N. Y.; and charging that it was adulterated in that its quality fell below that which it purported or was represented to possess. It was labeled in part "Tally-Ho."

On August 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

322. Adulteration and misbranding of prophylactics. U. S. v. 83 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 3536. Sample No. 19322–E.)

On December 18, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 83 gross of prophylactics at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about November 6, 1940, by the Magnet Merchandise Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "X Cello's * * * Mfd. By The Killiam Mfg. Co. Akron, Ohio."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess. It was alleged to be misbranded in that the representation in the labeling that it was prophylactic was false and misleading.

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

323. Adulteration and misbranding of prophylactics. U. S. v. 9 and 42/144 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 2718. Sample No. 9880–E.)

On or about September 6, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 9 gross and 3½ dozen prophylactics at Monroe, La., alleging that the article had been shipped in interstate commerce on or about December 27, 1939, by the Marman Products Co. from Newark, N. J.; and charging that it was adulterated and misbranded. It was labeled in part: "Lorica Velveen Shorts."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess. It was alleged to be misbranded in that the statement "For the Prevention of Diseases," on the carton, was false and misleading.

On October 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

324. Adulteration of prophylactics. U. S. v. 198–11/18 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 3414. Sample No. 50142–E.)

On November 19, 1940, the United States attorney for the District of Maryland filed a libel against 198–11/18 gross of prophylactics at Baltimore, Md.,

alleging that the article had been shipped in interstate commerce on or about November 1, 1940, by the Parfum Levy Co. from New York, N. Y.; and charging that it was adulterated in that its quality fell below that which it purported or was represented to possess.

On December 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

325. Adulteration of prophylactics. U. S. v. 57 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 2552. Sample No. 14386–E.)

On August 14, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 57 gross of rubber prophylactics at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by the Rubber Research Products Corporation, from Jersey City, N. J.; and charging that it was adulterated in that its quality fell below that which it purported or was represented to possess.

On October 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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PRODUCTS

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

U. S. GOVERNMENT PRINTING OFFICE: 1941